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CASES ADJUDGED

IN

THE SUPREME COURT

AT

OCTOBER TERM, 2014

BEGINNING OF TERM

OCTOBER 6, 2014, THROUGH MARCH 2, 2015

CHRISTINE LUCHOK FALLON

REPORTER OF DECISIONS

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JUSTICES

OF THE

SUPREME COURT

DURING THE TIME OF THESE REPORTS

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SUPREME COURT OF THE UNITED STATES

Allotment of Justices

It is ordered that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, pursuant to Title 28, United States Code, Section 42, and that such allotment be entered of record, effective September 28, 2010, viz.:

For the District of Columbia Circuit, John G. Roberts, Jr., Chief Justice.

For the First Circuit, Stephen Breyer, Associate Justice.

For the Second Circuit, Ruth Bader Ginsburg, Associate Justice.

For the Third Circuit, Samuel A. Alito, Jr., Associate Justice.

For the Fourth Circuit, John G. Roberts, Jr., Chief Justice.

For the Fifth Circuit, Antonin Scalia, Associate Justice.

For the Sixth Circuit, Elena Kagan, Associate Justice.

For the Seventh Circuit, Elena Kagan, Associate Justice.

For the Eighth Circuit, Samuel A. Alito, Jr., Associate Justice.

For the Ninth Circuit, Anthony M. Kennedy, Associate Justice.

For the Tenth Circuit, Sonia Sotomayor, Associate Justice.

For the Eleventh Circuit, Clarence Thomas, Associate Justice.

For the Federal Circuit, John G. Roberts, Jr., Chief Justice.

September 28, 2010.

(For next previous allotment, see 561 U. S., p. vi.)

TABLE OF CASES REPORTED

NOTE: All undesignated references herein to the United States Code are to the 2012 edition.

Cases reported before page 801 are those decided with opinions of the Court or decisions *per curiam*. Cases reported on page 801 *et seq.* are those in which orders were entered.

	Page
A. A. *v.* L. R. F.	871
Aaes *v.* 4G Cos.	959
Aaroma Holdings, LLC; Diacetyl Plaintiffs *v.*	974
A. B. *v.* California	1198
Abad *v.* United States	925
Abakar *v.* United States	914
Abbey; Yowell *v.*	814
ABB, Inc.; Tussey *v.*	991
Abbott, *In re*	1120
Abdulla *v.* University of Ark. at Little Rock	883,1043
Abdullah *v.* Bates	892
Abdullah; U. S. Security Associates, Inc. *v.*	815
Abdulmutallab *v.* United States	840
Abel *v.* Beard	901
Abel Ramirez *v.* United States	965,1001
Ablett *v.* United States	879
Abpikar *v.* United States	1093
Abrams *v.* Stephens	883
Abrams *v.* United States	965
Abubakar *v.* Holder	1089
Abu Dhabi Investment Authority *v.* Citigroup, Inc.	823
Acceptance Casualty Ins. Co. *v.* Great West Casualty Co.	1012
Ace Foam, Inc.; Carpenter Co. *v.*	1190
Acevedo *v.* Guttierrez	1032
Acosta *v.* Griffin	1032
Acqura Loan Services *v.* Gretsch	1062
Acree *v.* Texas	1083
Adams, *In re*	1149
Adams *v.* Beard	835
Adams; Collins *v.*	907

Page
Adams *v.* Discover Bank 870,1067
Adams *v.* Federal Way 1016,1111
Adams *v.* Florida 1162
Adams *v.* Hales Corners 876
Adams *v.* Indianapolis 875
Adams; Miller *v.* 844
Adams; Morissette *v.* 1173
Adams *v.* New York 840
Adams *v.* Oregon 1172
Adams; Ortiz *v.* 831
Adams *v.* Sheppard Pratt Health System 887
Adams *v.* United States 894,913
Addison; Morgan *v.* 1194
Addus Healthcare, Inc.; Fedder *v.* 922
Adigun *v.* United States 1002
Advanced Biological Laboratories, SA *v.* SmartGene, Inc. 816
Advanced Wings LLP; Dougherty *v.* 963
Advancial Federal Credit Union; Lavergne *v.* 996,1111
Aetna Life Ins. Co. *v.* Kobold 809
Aetna Life Ins. Co.; Rall *v.* 906
Affinity Logistics Corp. *v.* Ruiz 1061
Afolabi *v.* United States 1002
Africk; Thibodeaux *v.* 1197
A. G. *v.* Montana Dept. of Public Health and Human Servs. 1087
A&G Coal Corp. *v.* Integrity Coal Sales, Inc. 934
Agim *v.* Holder 807
Agnew *v.* E*Trade Securities LLC 926
Agofsky *v.* United States 1059,1140
Agosto *v.* Fischer 842,1066
Agrawal *v.* Montmagno 1156
Aguiar *v.* United States 959,1066
Aguilar *v.* Beard 1198
Aguilar *v.* California 884
Aguilar *v.* Ducart 1166
Aguilar *v.* Stephens 837
Aguilar *v.* United States 1029
Aguilez, *In re* 1188
Agusti Castro *v.* United States 917
A. H. *v.* Minnesota 885
Ahorrio *v.* United States 829
Aikens *v.* Florida 943
Aipperspach *v.* McInerney 1155
Air Jamaica Ltd.; Campbell *v.* 1047
Aisha K. *v.* Daniel B. 845

Page
Aitang See *v.* Foulk 891
Ajaj *v.* Federal Bureau of Prisons 804
A. K. *v.* Gwinnett County School Dist. 836
Akande *v.* United States 1018
Akefe *v.* United States 921
Akers, *In re* 813
Akhu El *v.* BNSF Railway Co. 1149
Akins *v.* United States 1026
Alabama; Alabama Democratic Conference *v.* 969
Alabama; Alabama Legislative Black Caucus *v.* 969,1151
Alabama; Boyle *v.* 1030
Alabama; Hammond *v.* 900
Alabama; Kimbrough *v.* 828
Alabama; Kirksey *v.* 1168
Alabama; Lynch *v.* 814
Alabama; Martin *v.* 1096
Alabama; Perkins *v.* 830
Alabama; Petric *v.* 1030
Alabama; Stanley *v.* 828
Alabama; Thompson *v.* 894
Alabama; Whatley *v.* 840
Alabama Democratic Conference *v.* Alabama 969
Alabama Dept. of Revenue *v.* CSX Transportation, Inc. 1009
Alabama Legislative Black Caucus *v.* Alabama 969,1151
Alabama Secretary of State; McInnish *v.* 872
Alameda County; Brown *v.* 905
Alameda County; Wilkins *v.* 905
Alaniz *v.* Texas 1035
Alaska; Martin *v.* 909
Alazzam *v.* United States 807,998
Albany Medical Center; Alzawahra *v.* 809
Albarran *v.* Montgomery 1032
Albers; Naegele *v.* 1136
Alberti *v.* Carlo-Izquierdo 817
Alberto Barajas *v.* United States 1002
Alberto Flores *v.* United States 998
Alberto Marquez *v.* United States 911
Alberto Ocampo *v.* California 983
Alberto San *v.* Consejo de Titulares del Condominio San Alberto 869
Alberts *v.* Illinois 963
Albino; Scott *v.* 968
Albino-Loe *v.* United States 1000
Albornoz-Albornoz *v.* United States 1201
Alcantara *v.* Foulk 893

Page
Aldawsari *v.* United States 825
Aldine Independent School Dist.; Chhim *v.* 1168
Aldridge *v.* United States 850
Alec L. *v.* McCarthy 1047
Aleksey *v.* South Carolina 1162
Aleshire *v.* Harris, N. A. 809,1025,1186
Alexander *v.* Cohen 878
Alexander *v.* Crews 890
Alexander *v.* United States 907
Alexander *v.* U. S. District Court 978,1110
Alfaro; Klinefelter *v.* 1096
Alfaro; Washington *v.* 1168
Alfaro-Jimenez *v.* United States 860
Alfred *v.* Florida 896,919,1056
Alfredo Pacheco *v.* California 913
Alfreds *v.* Social Security Administration 843
Alger *v.* California 814
Al Ghashiyan *v.* Hines 805
Algie *v.* Northern Ky. Univ. 1025
Algire *v.* California 824
Algus Real Estate, LLC *v.* Chicago Title Land Trust Co. 822
Ali *v.* Figueroa 1050
Ali *v.* Obama 848
Ali *v.* Pennsylvania 1026
Ali *v.* Samuels 807
Ali *v.* United States 1036,1174
Ali-Akbar *v.* McDonald 1166
Alim *v.* KBR, Inc. 1012
Ali Yassine *v.* United States 1052
Allan *v.* New York 1138
Allegany County; French *v.* 979
Allegheny Auto & Truck; Teplitz *v.* 941
Allegheny County; Davis *v.* 970
Allegheny County; Hildebrand *v.* 1152
Allen *v.* Carpenter 1049
Allen *v.* Florida 938
Allen *v.* Gains 841
Allen *v.* Saunders 1046
Allen *v.* United States 916
Allergan, Inc. *v.* Apotex Inc. 1075
Allergan, Inc.; Athena Cosmetics, Inc. *v.* 808
Alliance Pipeline L. P.; 4.360 Acres of Land, Renville Cty. *v.* 873
Allianz Vericherungs-Aktiengesellschaft; Carlson *v.* 974
Allison; Nakaya *v.* 1065

Page
All Saints Catholic School; Brundo *v.* 823
Almager; Ortiz *v.* 1099
Almahdi, *In re* 973
Al-Maqaleh *v.* Hagel 808,1068
Almond *v.* Pollard 977
Alonzo Hernandez *v.* United States 1141
Alonzo J. *v.* California 879
Alpha Networks, Inc. *v.* Dinan 1079
Alpine PCS, Inc. *v.* Federal Communications Comm'n 873
Alquicira *v.* California 1095
Al-Sha'ir *v.* Clark 982
Al-Shimary *v.* Gidley 903
Alston *v.* Kean University 923
Al-Suqi *v.* United States 1077
Alvarado *v.* Biter 1123
Alvarado-Merced *v.* United States 911
Alvarez; Betlach *v.* 1061
Alvarez *v.* O'Brien 920
Alvarez *v.* United States 901,1152
Alzawahra *v.* Albany Medical Center 809
Amar *v.* United States 1141
Amaya *v.* United States 885,1199
American Assn. of Profs., NY Inst. of Tech.; Kalyanaram *v.* . . 1012,1109
American Commercial Lines, LLC *v.* United States 1075,1135
American Dairy Queen Corp.; Blume *v.* 931,1030
American Express, Inc.; Baker *v.* 978
American Express Travel Related Services Co., Inc.; Carmichael *v.* 1135
American Home Mortgage Servicing; Mizukami *v.* 987,1110
American International Ins. Co.; Robert Seuffer GmbH *v.* 1061
American Land Title Assn.; Klein *v.* 826
American Physicians & Surgeons, Inc. *v.* Burwell 1074
American Red Cross; Ross *v.* 824
Ameriflex; Thompson *v.* 833,1043
Amerson; J. B. *v.* 1160
Ames; Montgomery *v.* 885
Ames *v.* Nationwide Mut. Ins. Co. 1074
Ameur *v.* Gates 1123
Amezcua *v.* Eighth Judicial District Court of Nev. 830
AmFin Financial Corp. *v.* Federal Deposit Ins. Corp. 1153
Amgen, Inc.; May *v.* 1072,1193
Amick *v.* Missouri Director of Revenue 891
Amin-Bey, *In re* 1072
Amir-Sharif *v.* Stephens 1162
Amir-Sharif *v.* U. S. District Court 938

Page
Amrhein *v.* Reichert 1149
Amu, *In re* 957
Amu *v.* Illinois Attorney Registration and Disciplinary Comm'n 1136
Amura *v.* U. S. District Court 1070
Anaya *v.* United States 966
Ancora Technologies, Inc.; Apple, Inc. *v.* 1076
Anderson, *In re* 812
Anderson; Brown *v.* 977
Anderson *v.* Cox 981
Anderson *v.* Creech 1028
Anderson *v.* Dzurenda 883
Anderson *v.* Florida 838,1100
Anderson; Hunter *v.* 962
Anderson *v.* Illinois 981,1169
Anderson *v.* Jones 1166
Anderson *v.* MacLaren 995
Anderson; Maki *v.* 835
Anderson *v.* Maryland 981
Anderson *v.* McDonald 843
Anderson *v.* Michigan 901
Anderson *v.* Pennsylvania 855
Anderson *v.* Semple 1176
Anderson *v.* United States 913,944,966,1001,1048,1103,1140
Anderson *v.* Wenerowicz 860
Anderson County; Dawson *v.* 1158
Andrade *v.* United States 1183
Andressen; Thomas *v.* 807
Andrews *v.* Florida 1093
Andrews *v.* United States 1054
Andrulonis *v.* United States 1126
Angel Mora *v.* McEwen 877
Angel Paredes *v.* Stephens 969
Angel Sandoval *v.* Foulk 832
Angel Serrano *v.* United States 1176
Angle *v.* United States 966
Anh Dao, *In re* 813
Anheuser-Busch InBev of Leuven, Belgium; Levi *v.* 896
Anh Trinh *v.* California 1139
Annex Books, Inc.; Indianapolis *v.* 820
Annucci *v.* Vincent 1074
Anoruo *v.* McDonald 1191
Anthem Prescription Management, LLC *v.* Beeman 991
Anthem Prescription Management, LLC *v.* Beemans Pharmacy 991
Antoine *v.* Martuscello 902

Page
Antonio Garcia; Escobar *v.* 1073
Antonio Marroquin *v.* MacDonald 1140
Antropova *v.* Holder 1026
A. P.; T. D. I. *v.* 1027
Apodaca *v.* California 934
Apostol *v.* Ronald Wastewater Dist. 1192
Apotex Inc.; Allergan, Inc. *v.* 1075
Apotex Inc.; Hoffmann-La Roche Inc. *v.* 1062
Apple, Inc. *v.* Ancora Technologies, Inc. 1076
Apple Valley; Rechtzigel *v.* 936
Applewhite *v.* United States 921
Arafat *v.* School Bd. of Broward County 845
Arafat *v.* United States 863
Aramark Correctional Services, Inc.; Webster *v.* 1124
Araujo-Velarde *v.* United States 1184
Archer *v.* Royal 977
Areyanes *v.* United States 1183
Argentina *v.* BG Group PLC 975
Arizona; Bodine *v.* 1157
Arizona; Borrud *v.* 897
Arizona; Chapman *v.* 940
Arizona; Diaz *v.* 821
Arizona; Garza *v.* 1161
Arizona; Holcomb *v.* 1196
Arizona; McCown *v.* 881
Arizona; Miguel Rocha *v.* 1085
Arizona; Montes *v.* 885,1043
Arizona; Naranjo *v.* 836
Arizona; Smith *v.* 834
Arizona; Woods *v.* 972,1139
Arizona Dream Act Coalition; Brewer *v.* 1067
Arizona Ind. Redistricting Comm'n; Arizona State Legislature *v.* 1147
Arizona State Legislature *v.* Arizona Ind. Redistricting Comm'n 1147
Arkansas; Davis *v.* 941
Arkansas; Lard *v.* 836
Arkansas; McArthur *v.* 1170
Arkansas; Smith *v.* 890,1056
Arkansas; Wilson *v.* 1179
Arkansas Dept. of Correction; Scott *v.* 1168
Arline *v.* Virginia 940
Arlington County Dept. of Human Services; Heffernan *v.* 849
Armando Algire *v.* California 824
Armendariz-Perez *v.* United States 855
Armour *v.* Newark Housing Authority 849

Page
Armstrong *v.* Brenner 1068
Armstrong *v.* Exceptional Child Center, Inc. 1069
Armstrong *v.* Pennsylvania 908
Armstrong *v.* Virginia 986,1111
Arnold; Germaine *v.* 937
Arnold *v.* Ohio 1015
Arnold; Rivas *v.* 906
Arnold; Smith *v.* 866
Arnold; Wick *v.* 1051
Arojojoye *v.* United States 1142
Arreguin *v.* Holder 1048
Arrington *v.* Pennsylvania 994
Arrington *v.* United States 1184
Arrowgarp *v.* United States 843
Arroyo *v.* Federal Deposit Ins. Corp. 807,1136
Arruda; Bourne *v.* 870,1043
Arthey *v.* Schlumberger Technology Corp. 1019
Arthur *v.* Thomas 821
Arthur E. Lange Revocable Trust; Haines *v.* 874
Arturo Bustamante *v.* United States 921
Artus; Johnson *v.* 941,1056
ASAP Copy and Print *v.* Canon Business Solutions, Inc. 1157
ASAP Copy and Print *v.* Superior Ct. of Cal., Los Angeles County 987
ASARCO LLC; Baker Botts L. L. P. *v.* 1010,1148
ASARCO LLC *v.* Goodwin 1027
Asbell; Speller *v.* 859
Asbury *v.* South Carolina 1031
Ashbaugh *v.* Gay 1192
Ashe *v.* United States 1102
Ashley; Fitzgerald *v.* 839
Ashley Furniture Industries, Inc. *v.* United States 817
Ashmore *v.* Ashmore 810,1025,1080
Ashmore *v.* Lewis 931,1025
Askew *v.* Holder 838
Askew *v.* United States 890
Askins *v.* Starting Point 1195
Aspen Property & Reserve at Elk River; McCollum *v.* 827
Asphalt Green, Inc.; Ling Li *v.* 1162
Assa'ad-Faltas *v.* Richland County Sheriff's Dept. 1148
Association. For labor union, see name of trade.
Association des Eleveurs de Canards et d'Oies du Quebec *v.* Harris 932
Association of American Physicians & Surgeons *v.* Burwell 1074
AstenJohnson, Inc.; Barabin's Estate *v.* 815
Ata *v.* Haas 1084

Page

Atalig *v.* United States 934
Atencio *v.* McDowell 1164
Ates *v.* New Jersey 935
Athena Cosmetics, Inc. *v.* Allergan, Inc. 808
Atkinson; Garcia *v.* 998
Atkinson; Nance *v.* 1188
Atlantic City Housing Authority; Beatty *v.* 1050
Attorney General; Abubakar *v.* 1089
Attorney General; Agim *v.* 807
Attorney General; Antropova *v.* 1026
Attorney General; Arreguin *v.* 1048
Attorney General; Askew *v.* 838
Attorney General; Ayor *v.* 933
Attorney General; Beltranena *v.* 992
Attorney General; Bera *v.* 817
Attorney General; Blum *v.* 991
Attorney General; Braithwaite *v.* 829
Attorney General; Cade *v.* 824
Attorney General; Campbell *v.* 835
Attorney General; Charran *v.* 893,1056
Attorney General; Coates *v.* 1173
Attorney General; De La Cruz *v.* 897
Attorney General; F. H.-T. *v.* 815
Attorney General; Francis *v.* 867
Attorney General; Hickman *v.* 1071
Attorney General; Hickmon *v.* 1058
Attorney General; Hutchinson *v.* 829
Attorney General; Khan *v.* 872
Attorney General; Ladeairous *v.* 1141
Attorney General; Linton *v.* 1165
Attorney General; Lomeli *v.* 1016
Attorney General; Mahmud *v.* 1033
Attorney General; Milat *v.* 1136
Attorney General; Najarro-Ramirez *v.* 811
Attorney General; Nichols *v.* 824
Attorney General; Opoku-Bamfo *v.* 1197
Attorney General; Pierre *v.* 816
Attorney General; Qiu Jin Li *v.* 872
Attorney General; Quijada Coronado *v.* 1190
Attorney General; Reyes Mata *v.* 1118
Attorney General; Rivas *v.* 1155
Attorney General; Rocha-Ayala *v.* 826
Attorney General; Rodriguez-Castellon *v.* 933
Attorney General; Roosevelt *v.* 835

Page
Attorney General; Simmons *v.* 1173
Attorney General; Soto *v.* 819
Attorney General; Thomas *v.* 1173
Attorney General; Whiteley *v.* 1013
Attorney General; Williams *v.* 835
Attorney General; Xun Xing Liang *v.* 817
Attorney General; Zavaleta-Ramirez *v.* 1191
Attorney General; Zoubairi *v.* 1191
Attorney General of Ala. *v.* Strange 1145
Attorney General of Ariz.; Carrasco Gamez *v.* 999
Attorney General of Cal.; Fischer *v.* 1031
Attorney General of Cal.; Goodnis *v.* 1012
Attorney General of Cal.; PAC Anchor Transportation, Inc. *v.* . . . 1153
Attorney General of Fla.; Kramer *v.* 1064
Attorney General of Fla.; Tweed *v.* 889
Attorney General of Mo.; Rideout *v.* 1177
Attorney General of N. Y.; Veleanu *v.* 808
Attorney General of Ohio; Ikharo *v.* 886
Attorney General of Okla. *v.* Burwell 1142
Attorney General of Okla.; Native Wholeside Supply *v.* 1192
Attorney General of S. C. *v.* Condon 1021
Attorney General of Vt.; Vermont Right to Life Committee, Inc. *v.* 1074
Atwood, Malone, Turner & Sabin, P. A.; Hynoski *v.* 841,1043
Au *v.* Jones 1085
Aubert, *In re* 1135
Augustin *v.* United States 867
Augutis *v.* United States 921
Ault; Thompson *v.* 1010
Aurora Loan Services LLC; Molina *v.* 1062
Ausler *v.* United States 896
Austin; Plumley *v.* 1126
Austin; Simmons *v.* 829
Auterson; Griffin *v.* 802
Avalos-Martinez *v.* Johnson 869
Avalos-Nunez *v.* United States 965
Avilez *v.* Massachusetts 919
Awe *v.* Clarke 897
Awer *v.* United States 1092
Axsom *v.* United States 1181
Ayala; Chappell *v.* 958
Ayala *v.* United States 966,1177
Ayala-Vazquez *v.* United States 875
Ayele *v.* Educational Credit Management 927
Ayele *v.* G2 Secure Staff, LLC 905

Page
Ayers *v.* Kentucky 819
Ayers *v.* United States 1199
Ayor *v.* Holder 933
Ayres *v.* Obama 839
Azam *v.* U. S. District Court 1071
B.; Aisha K. *v.* 845
B. *v.* Amerson 1160
B. *v.* California 1198
B.; J. L. B. *v.* 826
B. *v.* S. G. 826
B. *v.* S. J. B. 826
B.; Sonora *v.* 1159
Babcock; Martinez *v.* 1184
Babers *v.* Biter 891
Bach *v.* Circuit Court of Wis., Milwaukee County 963
Bachicha *v.* Ducart 833
Bachman, *In re* 1009
BAC Home Loans Servicing, LP; Takushi *v.* 1119
Backus *v.* South Carolina 801
Bacon *v.* Reyes 802
Badagliacca *v.* Crews 896
Baez *v.* Falor 1123
Baez-Garcia *v.* Florida 858
Baez-Gil *v.* United States 1054
Bagley; O'Neal *v.* 833
B. A. H. *v.* Minnesota 885
Baiju *v.* Department of Labor 863
Bailey, *In re* 812,1056
Bailey *v.* Fleming 1090
Bailey *v.* Lemke 943
Bailey *v.* Sherman 1082
Bailey *v.* United States 1038
Baird *v.* United States 918
Bajo-Gonzalez *v.* United States 886
Baker *v.* American Express, Inc. 978
Baker *v.* Blake 922
Baker; Lopes-Benitez *v.* 831
Baker; Maxey *v.* 894
Baker; Summers *v.* 997
Baker; Talley *v.* 981
Baker Botts L. L. P. *v.* ASARCO LLC 1010,1148
Bakri *v.* U. S. District Court 1078
Balcones Heights; Rivera Munoz *v.* 936,1067
Balderas-Gonzalez *v.* United States 1097

Page

Baldon *v.* Clark 982
Baldridge *v.* Ellmann 822
Baley *v.* Stephens 940
Balish; Pugh *v.* 930
Ball; Ross *v.* 847,1055
Ballard *v.* Bank of America, N. A. 1164
Ballard; Bush *v.* 897
Ballard *v.* GEO Group, Inc. 1016
Ballard *v.* Johns 1179
Ballard; Long *v.* 1035
Ballay *v.* BP Exploration & Production, Inc. 968
Baltimore County *v.* Equal Employment Opportunity Comm'n . . 974
Banchs *v.* United States 910
Banda *v.* Florida 979
Bandy *v.* United States 842
Banerjee *v.* Wilmont 1028
BankFirst; Oliver *v.* 979,1133
Bank of America; Gelboim *v.* 405
Bank of America; Jones *v.* 1050,1187
Bank of America Corp.; Tatten *v.* 1072,1151
Bank of America, N. A.; Ballard *v.* 1164
Bank of America, N. A. *v.* Caulkett 1011,1059
Bank of America, N. A.; Daniel *v.* 992
Bank of America, N. A.; Mannarino *v.* 941,1110
Bank of America, N. A.; Morton *v.* 1071
Bank of America, N. A.; Pennington-Thurman *v.* 1034,1187
Bank of America, N. A.; Peterson *v.* 1119
Bank of America, N. A.; Pilger *v.* 931
Bank of America, N. A.; Robinson *v.* 882
Bank of America, N. A.; Svoboda *v.* 1012
Bank of America, N. A. *v.* Toledo-Cardona 1011,1059
Bank of America, N. A.; Warren *v.* 869,1123
Bank of N. Y. Mellon; Hartman *v.* 809,1011
Bank of N. Y. Mellon; Staley *v.* 1061
Bank of N. Y. Mellon Corp.; Welborn *v.* 821
Bank of N. Y. Mellon Trust Co., N. A.; Timosan *v.* 1075
Banks; Brantley *v.* 814
Banks *v.* Crews 1007
Banks *v.* First Judicial Dist. 807
Banks *v.* Florida 1007
Banks *v.* Pennsylvania 938
Banks *v.* Price 1198
Banks *v.* Texas 1194
Banks *v.* United States 876,1185

Page
Banks-Davis *v.* United States 959,1109
Bank United; Nivia *v.* 1075
Bank United; Roussell *v.* 1075
Bansal *v.* Chakrala 823
Barabin's Estate *v.* AstenJohnson, Inc. 815
Barajas *v.* Montgomery 864
Barajas *v.* United States 1002
Barakat, *In re* 806
Barber; Grimes *v.* 1033
Barber *v.* Stevenson 943
Barcus *v.* Sears, Roebuck & Co. 1025
Barefoot *v.* United States 1006
Baret *v.* New York 1085
Barker *v.* United States 1036
Barkhorn *v.* Ports America Chesapeake, LLC 1013
Barko *v.* Kellogg Brown & Root, Inc. 1122
Barkus *v.* United States 1095
Barlow; Harignordoquy *v.* 817
Barlow *v.* United States 892
Barner *v.* Michigan 995
Barnes; Briceno *v.* 1161
Barnes *v.* District of Columbia 1178
Barnes; Duarte *v.* 1166
Barnes *v.* Jackson 1077
Barnes *v.* Kinney 1122
Barnes; Libby *v.* 1090
Barnes *v.* Merit Systems Protection Bd. 901
Barnes; Robles Quintanilla *v.* 1086
Barnes *v.* Texas 937
Barnes *v.* United States 1177
Barnett *v.* New Jersey Transit Corp. 1072,1193
Barnette *v.* Ohio 898
Barnhill *v.* North Carolina 1139
Barno *v.* Paramo 867
Barnwell *v.* TPCII, LLC 1028
Baron *v.* Novo Point LLC 808
Baron *v.* United States 878
Baron; Vogel *v.* 974
Barrett *v.* United States 907,1180
Barrett; Ward *v.* 844
Barrientos *v.* California 857
Barrow; Everett *v.* 1167
Barrow *v.* United States 846,901
Barsorian *v.* Grossman Roth, P. A. 1076,1186

Page

Bartholomew *v.* Santiago 843
Bartlow *v.* Costigan 935
Bartoli *v.* United States 1126
Barton *v.* Columbia Farms, Inc. 825
Barton *v.* House of Raeford Farms, Inc. 825
Barton *v.* United States 1049
Bascom Palmer Eye Institute; Pouyeh *v.* 1173
Baskerville; Eide *v.* 897
Baskin; Bogan *v.* 876
Bassett *v.* United States 1066
Bassman *v.* District of Columbia Office of Planning 935
Bastien *v.* United States 965
Bates; Abdullah *v.* 892
Bates *v.* Warren 837
Bats *v.* Valenzuela 835
Battles *v.* United States 932
Batts; Leichner *v.* 909
Baukman *v.* United States 856
Bauman; Williams *v.* 1064
Baumann; Chase Investment Services Corp. *v.* 1060
Baumgartner *v.* Eppinger 1062
Bausman *v.* Sherman 983
Baxter *v.* Florida 1042
Baxter *v.* United States 805,887,1185
Bazazpour *v.* United States 868
B&B Hardware, Inc. *v.* Hargis Industries, Inc. 1009
B&B Hardware, Inc. *v.* Sealtite Building Fasteners 1009
Beach-Mathura *v.* Miami-Dade County Public Schools 827
Beal *v.* Pennsylvania 842
Bealer *v.* Godinez 1014
Beard; Abel *v.* 901
Beard; Adams *v.* 835
Beard; Aguilar *v.* 1198
Beard; Buchanan *v.* 963
Beard *v.* Butler 1050
Beard; Carraher *v.* 964
Beard; Contreras *v.* 837
Beard; Cortina *v.* 1049
Beard; Deemer *v.* 814
Beard; Griffin *v.* 822
Beard; Hamiltonhausey *v.* 980
Beard; Ivy *v.* 1170
Beard; Krueger *v.* 911
Beard; Maciel *v.* 834

Page
Beard; Marlow *v.* 1168
Beard; Pettis *v.* 1063
Beard; Sang Min Kim *v.* 823
Beard; Stewart *v.* 900,1090
Beard; Tafoya *v.* 836
Beard; Todd *v.* 1149
Beasley *v.* United States 878
Beatty *v.* Atlantic City Housing Authority 1050
Beauchamp *v.* Perez 1096
Beaulieu *v.* Jesson 904
Beauregard *v.* Lewis County 1061
Bechtol *v.* McKee 1082
Bechtold; Starks *v.* 944
Becker *v.* ConAgra Foods, Inc. 1159
Bedrosian; Seguin *v.* 833
Beeman; Anthem Prescription Management, LLC *v.* 991
Beemans Pharmacy; Anthem Prescription Management, LLC *v.* 991
Beemon; Schreane *v.* 1052
Behrens *v.* Chase Home Finance 865,1043
Behrens *v.* Securities and Exchange Comm'n 996,1111
Beljakovic *v.* Melohn Properties, Inc. 812
Belk, *In re* 930
Bell *v.* Bell Family Trust 1046
Bell *v.* Berghuis 1196
Bell *v.* Bush 841
Bell *v.* Cassady 863
Bell *v.* McDonald 1157
Bell *v.* New York State Higher Ed. Services Corp. 1151
Bell *v.* Stephens 1015
Bell *v.* United States 985,1001,1018
Bell Family Trust; Bell *v.* 1046
Bello *v.* Deutsche Bank National Trust Co. 1096,1203
Bellon *v.* Russell 1014
Beltran *v.* Ryan 1052,1187
Beltranena *v.* Holder 992
Benchoff *v.* Fogal 1162
Bencivengo *v.* United States 895
Bender *v.* Commission for Lawyer Discip. of State Bar of Tex. . . 1079
Benitez *v.* Crews 961
Benjamin *v.* Pullen 984
Benner, *In re* 1046,1143
Bennett *v.* CSX Transportation, Inc. 819
Bennett; McInnish *v.* 872
Bennett *v.* United States 986,1180

Page

Bennett *v.* Washington 939
Benoit *v.* United States 866
Bentley *v.* United States 1104
Bentley Homes, LLC; Von Beltz *v.* 1195
Benton *v.* South Fork 980
Bequette *v.* United States 1137
Bera *v.* Holder 817
Berg; Wingeart *v.* 904
Berger, *In re* 1023
Bergeron *v.* Boyd 895
Berget *v.* South Dakota 1197
Bergh; Johnson *v.* 881
Bergh; Wingeart *v.* 904,1056
Berghuis; Bell *v.* 1196
Berghuis; Good *v.* 1137
Berghuis; King *v.* 824
Berghuis; Sumpter *v.* 855
Berkebile; Brown *v.* 1102,1203
Berkeley; Ghosh *v.* 824
Berklee College of Music; Snodgrass *v.* 981,1111
Berkowitz; De Freitas *v.* 1031
Berlin; Renaissance Condominium Partners II *v.* 822
Berlin; Renaissance Rental Partners, LLC *v.* 822
Berman *v.* Kafka 820
Berman *v.* U. S. District Court 974
Bernal-Estevez *v.* United States 849
Bernard *v.* United States 1037
Bernard D. *v.* New York 1150
Bernich; Taylor *v.* 978,1133
Bernier, *In re* 1152
Bernier *v.* Court of Appeal of Cal., Fourth Appellate Dist. 1125
Berry, *In re* 812
Berry *v.* Mackie 1194
Berry; Texas State Conference of NAACP Branches *v.* 951
Berry *v.* Tyll 980
Berryhill *v.* United States 1054
Bertrand *v.* Mullin 934
Bertulucci Castillo *v.* United States 1101
Berube *v.* Crews 858
Beshear; Bourke *v.* 1118
Bess *v.* Cain 890
Beteiligungsgesellschaft MBH *v.* Lee 1047
Betlach *v.* Alvarez 1061
Betts *v.* Washington 863

Page
BG Group PLC; Republic of Argentina *v.* 975
Bickell; Lane *v.* 837
Bickell; Young *v.* 890
Bickerstaff, *In re* 1008
Biden; Common Cause *v.* 975
Biear *v.* United States 1001
Bigelow; Johnson *v.* 835
Bigelow; Tiedemann *v.* 861
Bigelow; Weikert *v.* 840
Biggs *v.* Jones 1180
Bigler, *In re* 1188
Big Rock Investors Assn. *v.* Big Rock Petroleum, Inc. 818
Big Rock Petroleum, Inc.; Big Rock Investors Assn. *v.* 818
Bilauski *v.* Steele 914
Bing *v.* United States 1002
Bisbee; Kille *v.* 1095
Bishop; Gaffney *v.* 1015
Bishop *v.* Humphrey 817
Bishop; Smith *v.* 875
Bishop *v.* Tennessee 849
Bishop *v.* U. S. Bankruptcy Court 810,1049
Biter; Alvarado *v.* 1123
Biter; Babers *v.* 891
Biter; Cruz *v.* 839
Biter; Farmer *v.* 863
Biter; Hernandez *v.* 900
Biter; Hon Keung Tse *v.* 1083
Biter; King *v.* 1088
Biter; Madril *v.* 1149
Biter; Magana-Torres *v.* 1091
Biter; Martinez Castillo *v.* 1172
Biter; Miller *v.* 877
Biter; Tobias *v.* 1138
Biter; Ward *v.* 855
Biter; Warren *v.* 1167
Biter; Yow Ming Yeh *v.* 996
Biton *v.* United States 1008
Blacher *v.* Diaz 882
Black *v.* Goodwin 843
Black *v.* Louisiana 1188
Black *v.* United States 905,1095
Blackford *v.* Oregon Bd. of Parole and Post-Prison Supervision 1166
Blackmon *v.* Escambia County School Bd. 895,1110
Blair *v.* Metropolitan Life Ins. Co. 1155

Page
Blair *v.* Palmer 1194
Blair *v.* United States 828,1042
Blake; Baker *v.* 922
Blake *v.* Perritt 1162
Blake *v.* United States 875
Blakeney *v.* United States 1013
Blanca Telephone Co. *v.* Federal Communications Comm'n 871
Blanchard; Vaughn *v.* 880
Bland *v.* United States 903
Blankenship, *In re* 1072
Blanket *v.* Miller 1053
Blanton *v.* Continental Ins. Co. 936
Blanton *v.* United States 913
Bledsoe *v.* Lizarraga 1198
Bliss *v.* United States 913
Blount County; Gladden *v.* 1162
Blue *v.* United States 881,885,911
Blue Cross Blue Shield of Mich. *v.* Hi-Lex Controls, Inc. 959
Blue Hills Bank; Bullard *v.* 1058,1134
Blum *v.* Holder 991
Blume *v.* American Dairy Queen Corp. 931,1030
Blunt *v.* Pennsylvania 1125
BNSF R. Co.; Akhu El *v.* 1149
BNSF R. Co.; Howard *v.* 816
Board of Bar Overseers of Sup. Jud. Ct. of Mass.; Fletcher *v.* . . . 837,1055
Board of Ed. of Baltimore County; Williams *v.* 1137
Board of Ed. of Chicago; Young-Gibson *v.* 1061,1186
Board of Ed. of Oldham County; Wilkening *v.* 1012
Board of Ed. of Prince George's County; Dean *v.* 847
Board of Governors of the Federal Reserve System; NACS *v.* . . . 1121
Board of Supervisors of Hinds County; Hearn *v.* 1061,1186
Board of Trustees, Elevator Indus. Health Plan; McLaughlin *v.* 1154
Bobo *v.* United States 1018
Boccone *v.* United States 864
Bodine *v.* Arizona 1157
Body *v.* United States 1001
Boehm; Opiyo *v.* 1052
Bogan *v.* Baskin 876
Bogdan *v.* United States 988
Boggan *v.* Illinois 1193
Boggs *v.* United States 1179
Boles *v.* Riva 991,1110
Boles *v.* Sheldon 942
Bolin; McClinton *v.* 837,1043

Page
Bomani *v.* New Jersey 1140
Bomar *v.* Romanowski 903
Bomber *v.* Virginia 896
Bonacci *v.* Bonacci 1012
Bonano *v.* United States 1036
Bondi; Kramer *v.* 1064
Bondi; Tweed *v.* 889
Bondo *v.* United States 921
Bonds, *In re* 812
Boney *v.* United States 1099
Bonifacio Lopez *v.* Grounds 833
Bonilla *v.* United States 965
Bonilla-Rivera *v.* United States 1096
Bonner *v.* Brighton 871
Bonner *v.* Florida 830
Bonner *v.* United States 1001
Bon Secour Fisheries, Inc.; BP Exploration & Production Inc. *v.* 1054
Booker; Brown *v.* 964
Booker; Calhoun *v.* 1161
Booker *v.* Clarke 909
Booker; Jones *v.* 995
Booker; Kennedy *v.* 982
Booker; Maybin *v.* 1032
Booker *v.* United States 919
Bookman *v.* Texas 1192
Boone *v.* Texas 950
Boose *v.* Clements 1035
Borrud *v.* Arizona 897
Boss *v.* Ludwick 1085
Bostic; McQuigg *v.* 875
Bostic; Rainey *v.* 875
Bostic; Schaefer *v.* 875
Bostwick *v.* Sovereign Bank 1030
Boswell *v.* Texas 1156
Botsvynyuk *v.* United States 878
Bottom; Price *v.* 874
Bourgeois *v.* United States 827
Bourke *v.* Beshear 1118
Bourn; Njos *v.* 1081
Bourne *v.* Arruda 870,1043
Boutte *v.* Montgomery 982
Bowell *v.* Smith 989,1072
Bower *v.* Texas 1144
Bowerman; Coleman *v.* 1147

Page
Bowerman; Coleman-Bey *v.* 1147
Bowers *v.* McDonald 870
Bowersox; McKeller *v.* 1086
Bowie *v.* Franklin 896
Bowie *v.* United States 913,918
Bowleg *v.* United States 1052
Bowles, *In re* 1152
Bowling *v.* United States 1099,1104
Boyce *v.* California 1169
Boyd; Bergeron *v.* 895
Boyd *v.* United States 916
Boyd *v.* Vargo 896
Boyle *v.* Alabama 1030
Bozelko *v.* Connecticut 961
B. P. *v.* Catholic Diocese of Kansas City-St. Joseph 969
BP Exploration & Production *v.* Bon Secour Fisheries, Inc. 1054
BP Exploration & Production; Erikson *v.* 975,1110
BP Exploration & Production *v.* Lake Eugenie Land & Development 1054
BP Exploration & Production; Louisiana *ex rel.* Ballay *v.* 968
BP Majority; Dewhart *v.* 861
Bradberry *v.* Tatum 1096
Bradley, *In re* 812,1008
Bradley *v.* Commissioner 1047
Bradley; Du Bois *v.* 1047
Bradley *v.* Turner 901
Bradley *v.* United States 914,1199
Braintree Laboratories, Inc. *v.* Novel Laboratories, Inc. 1048
Braithwaite *v.* Holder 829
Branch Banking & Trust Co. *v.* R & S St. Rose Lenders, LLC . . 819
Brandenburg *v.* Keith 839
Brannan *v.* Chatman 1112
Brannon *v.* Chatman 1112
Branson *v.* Gay 1083
Brantley *v.* Banks 814
Bratcher, *In re* 990
Bratton *v.* California 1139
Bratton; Mateo *v.* 1079
Braverman *v.* Dewey 872
Braverman *v.* Granger 1027
Bravo; Gonzales *v.* 995,1186
Bray *v.* Florida 842
Brazelton; Hunter *v.* 849
Breedlove *v.* United States 986,1175
Breeze *v.* United States 959

Page
Brenner; Armstrong *v.* 1068
Brent *v.* Wenk 810,1013,1110
Brewer *v.* Arizona Dream Act Coalition 1067
Brewington *v.* Indiana 1077,1203
Briceno *v.* Barnes 1161
Bridgers *v.* United States 1142
Bridges *v.* United States 881,966,1044
Briggs *v.* Soto 1017
Bright *v.* Crews 1133
Bright *v.* Department of Housing and Urban Development . . 1049,1133
Bright *v.* Toves 857,1109
Brighton; Bonner *v.* 871
Briones *v.* Ivory 995
Briones *v.* United States 1000
Brister *v.* Smith 935
Brite *v.* Texas 1085
Britto *v.* Massachusetts 835
Britton *v.* Federal Home Loan Mortgage Corp. 1157
Brock, *In re* 812
Brock *v.* Florida 1158
Brockman *v.* Rivard 1088
Brooks *v.* Crews 831
Brooks *v.* Illinois 1015
Brooks *v.* Massachusetts Mut. Life Ins. Co. 1075
Brooks *v.* Menifee 985
Brooks-McCollum *v.* Emerald Ridge Service Corp. 824
Brooms; Carter *v.* 820
Broughton *v.* Jones 1082
Brown *v.* Alameda County 905
Brown *v.* Anderson 977
Brown *v.* Berkebile 1102,1203
Brown *v.* Booker 964
Brown *v.* California 1160
Brown *v.* Crutchfield 1194
Brown; Davis *v.* 898
Brown *v.* Florida 844,1034
Brown *v.* Florida Dept. of Corrections 948
Brown *v.* Frazier 860
Brown *v.* Georgia 975
Brown; Hickingbottom *v.* 867
Brown *v.* Hoops 842
Brown *v.* Illinois 1173
Brown; Isby *v.* 841
Brown *v.* Jones 1139

Page

Brown *v.* Mabus 924
Brown *v.* Mississippi Dept. of Health 816
Brown; Mississippi Dept. of Health *v.* 816
Brown *v.* Nooth 1198
Brown *v.* Pennsylvania 892
Brown; Ramsey *v.* 1170
Brown *v.* Rivard 1081
Brown; Sims *v.* 1167
Brown *v.* State Bar of Cal. 807
Brown *v.* United States 828, 879,889,893,908,920,924,926,935,992,1006,1042,1044,1053, 1055,1110,1184
Brown; Washington *v.* 852
Browning *v.* Klee 892
Brufsky, *In re* 1188
Brumfield *v.* Cain 1045
Brundo *v.* All Saints Catholic School 823
Brune *v.* United States 1182
Brunsilius *v.* Hickenlooper 1089
Brunsting *v.* Colorado 1126
Bruse *v.* Green 1194
Bruteyn *v.* United States 1159
Bryant *v.* Colvin 1034
Bryant *v.* United States 1182
Bryson *v.* McLaughlin 1014
B. T. W. *v.* Missouri Dept. of Social Services, Children's Division 900
Buchanan *v.* Beard 963
Buchanan; Gorman *v.* 865
Buchanan *v.* United States 1037
Buckeye Ranch, Inc.; Howell *v.* 1175
Buckingham *v.* Grandlienard 1178
Buckland *v.* Connecticut 1078
Buckman *v.* JPMorgan Chase Bank, N. A. 1078
Buczek *v.* Constructive Statutory Trust 909,945,1044,1056
Budik *v.* United States 1150
Buecking *v.* Buecking 869
Buecking *v.* Westman 869
Buencamino, *In re* 973,1067
Buffaloe & Associates; Robinson *v.* 981
Bugg *v.* United States 858
Buholtz *v.* United States 903
Buitrago *v.* United States 986
Bulgin *v.* United States 860
Bullard *v.* Blue Hills Bank 1058,1134

Page

Bullin *v.* United States 1100
Bullock *v.* United States 914
Bunch *v.* Ohio 859
Bunk; Gosselin World Wide Moving *v.* 819
Bunting; Mahan *v.* 1174
Burch *v.* United States 967
Burdulis *v.* United States 986
Bureau of Prisons Mailroom Staff; Myers *v.* 1124
Burgess *v.* Wallingford 1153
Burgest *v.* Caraway 1175
Burkart *v.* Mortgage Electronic Registration Systems, Inc. 818
Burke *v.* United States 1093
Burlington Northern Sante Fe; Teamsters *v.* 816
Burlison *v.* Williams 886
Burnett *v.* United States 1096
Burno *v.* Pennsylvania 1193
Burns; Suire *v.* 837
Burns *v.* United States 1177
Burr; Franklin *v.* 899
Burr *v.* New Jersey 995,1111
Burroughs *v.* Department of Army 808,1027
Burrows *v.* United States 914
Burrus *v.* Maryland 985
Burt; Cummings *v.* 1167
Burt; Harris *v.* 1063
Burt; Plamondon *v.* 942
Burt; Truss *v.* 994
Burt; Turner *v.* 1138
Burton *v.* Lee 839,1109
Burton *v.* Superior Court of Cal., San Diego County 1050
Burts *v.* California 839
Burwell; American Physicians & Surgeons, Inc. *v.* 1074
Burwell; King *v.* 988
Burwell; Marcussen *v.* 821
Burwell; Oklahoma *ex rel.* Pruitt *v.* 1142
Burwell; Price *v.* 1174
Burwell; Taransky *v.* 1158
Burwell; Woodfill *v.* 873
Busby *v.* Illinois 892
Bush *v.* Ballard 897
Bush; Bell *v.* 841
Bush *v.* Donovan 1196
Bush; Roof *v.* 1159
Busk; Integrity Staffing Solutions, Inc. *v.* 27

Page
Bustamante *v.* United States 921
Bustillo *v.* Samuels 911
Bustillos *v.* New Mexico 992
Butamax Advanced Biofuels LLC; Gevo, Inc. *v.* 1133
Butler; Beard *v.* 1050
Butler *v.* Crews 891
Butler *v.* Florida 852,886
Butler; Horton *v.* 916
Butler; Howard *v.* 1175
Butler; Lenius *v.* 1168
Butler *v.* Macomber 1083
Butler; Reeves *v.* 896
Butler *v.* United States 1018
Butler *v.* Zoning Bd. of Appeals of Framingham 991,1110
Butsch *v.* Washington 1161
Butterworth *v.* United States 1201
Butts *v.* Clarke 845
Butz Dunn & Desantis; Dierickx *v.* 807
Buxenbaum; Fulmer *v.* 882
Byers *v.* Commissioner 872,1067
Byers; Martin *v.* 996
Byers *v.* United States 1018
Byles; Miranda *v.* 934,1056
Bynoe *v.* Nevada 888
Byrd *v.* McKee 1165
Byrd *v.* United States 1018,1101
Byrne *v.* United States 1102
Cabot *v.* Illinois 940
Cabrera-Canales *v.* United States 886
Cabrera-Gutierrez *v.* United States 850
Cabrera Padilla *v.* United States 1123
Cabrera-Perez *v.* United States 965
Cade *v.* Daniels 982
Cade *v.* Holder 824
Caesar *v.* Padula 1083
Cain; Bess *v.* 890
Cain; Brumfield *v.* 1045
Cain; Crandell *v.* 883
Cain; Hoffman *v.* 1122
Cain; Lang *v.* 885
Cain; Lovejoy *v.* 880
Cain; Lowery *v.* 979
Cain; McDonald *v.* 1015
Cain; Mead *v.* 980

Page
Cain; Sharif-El *v.* 982
Cain *v.* United States 913
Cain; Wallace *v.* 882
Cain; Wilson *v.* 1138
Caira *v.* United States 859
Calaff *v.* New York 907
Calandreli *v.* United States 1178
Calderon *v.* Evergreen Owners, Inc. 1163
Caldwell; Daniels *v.* 1043
Caldwell; Harris *v.* 1079
Caldwell *v.* McCall 840
Calfee; Sanchez *v.* 994
Calhoun *v.* Booker 1161
Calhoun *v.* Florida 895
Calhoun *v.* Suthers 935
California; A. B. *v.* 1198
California; Aguilar *v.* 884
California; Alberto Ocampo *v.* 983
California; Alfredo Pacheco *v.* 913
California; Alger *v.* 814
California; Alonzo J. *v.* 879
California; Alquicira *v.* 1095
California; Apodaca *v.* 934
California; Armando Algire *v.* 824
California; Barrientos *v.* 857
California; Boyce *v.* 1169
California; Bratton *v.* 1139
California; Brown *v.* 1160
California; Burts *v.* 839
California; Carter *v.* 1123,1179
California; Chacon *v.* 831,1043
California; Cheng *v.* 811,1010
California; Chism *v.* 961
California; Claiborne *v.* 930
California; Debose *v.* 1051
California; Delisi *v.* 897
California; Duff *v.* 1080
California; Dung Dinh Anh Trinh *v.* 1139
California; Durst *v.* 1064
California; Edwards-El *v.* 1051
California; Flynn *v.* 1196
California; Fowler *v.* 977
California; Frank *v.* 937
California; Gaines *v.* 1172

Page
California; Gallardo *v.* 901
California; Gaston *v.* 1197
California; Giles *v.* 1140
California; Glass *v.* 893
California; Goldsmith *v.* 1048
California; Hajek *v.* 1160
California; Hawthorne *v.* 828
California; Hogg *v.* 849
California; Holt *v.* 899
California; Honesto *v.* 804
California; Hovarter *v.* 867
California; Humphrey *v.* 1196
California; Ingram *v.* 1194
California; Jackson *v.* 855,1014,1126
California; Johnson *v.* 855,933
California; Jones *v.* 843,1172
California; Joseph G. *v.* 1175
California; Kevorkian *v.* 873,1043
California; Kim *v.* 995
California; Kon *v.* 1164
California; Korman *v.* 1156
California; Lal *v.* 975
California; Larsen-Orta *v.* 838,1109
California; Lewis *v.* 1163
California; Loi Tan Vo *v.* 1160
California; Luis Morales *v.* 1089
California; Mack *v.* 840
California; MacKenzie *v.* 1064
California; Madden *v.* 838
California; Manibusan *v.* 830
California; Manuel Montes *v.* 1081
California; Martinez *v.* 990
California; Mays *v.* 1167
California; Mazzei *v.* 1065
California; McClelland *v.* 888
California; McGuire *v.* 854
California; McNamara *v.* 911,1020
California; Merino *v.* 901
California; Meyer *v.* 942
California; Michel *v.* 1032
California; Munoz *v.* 993
California; Murray *v.* 996
California; Olic *v.* 1050
California; Pennings *v.* 1031

Page
California; Perdue *v.* 835
California; Perez Santiago *v.* 1139
California; Petkowski *v.* 994
California; Pierson *v.* 841,1055
California; Quinonez Ibarra *v.* 996
California; Richardson *v.* 1194
California; Rios *v.* 1088
California; Rodgers *v.* 862,1109
California; Rodriguez *v.* 937
California; Salazar *v.* 1016
California; Sangster *v.* 972,1159
California; Sciutto *v.* 916
California; Scott *v.* 995,1139
California; Sedillo *v.* 1164
California; Sharonoff *v.* 978
California; Sida *v.* 1100
California; Suff *v.* 1081
California; Tafolla *v.* 1065
California; Tarkington *v.* 930
California; United States *v.* 105
California; Van Buren *v.* 994,1111
California; Velasco Sifuentes *v.* 1072
California; Virden *v.* 823
California; Walker *v.* 1157
California; Watts *v.* 897
California; Woods *v.* 851
California; Zafra Velasco *v.* 1124
California; Zavala *v.* 836
California Dept. of Corrections; Wright *v.* 1089
California *ex rel.* Harris; PAC Anchor Transportation, Inc. *v.* . . . 1153
California Forensic Medical Group; Turner *v.* 937
California State Personnel Bd.; Hsu *v.* 934
California Unemployment Ins. Appeals Bd.; Dong Lang *v.* 1196
Callaway *v.* United States 1202
Calloway *v.* Texas Health and Human Services Comm'n 998
Caluori *v.* One World Technologies, Inc. 870
Cameron *v.* Kansas 1035
Cam Luong *v.* U. S. Bank N. A. 935,1056
Camp *v.* United States 913
Campbell *v.* Air Jamaica Ltd. 1047
Campbell *v.* Forest Preserve Dist. of Cook County, Ill. 1074
Campbell *v.* Holder 835
Campbell *v.* Illinois 847
Campbell *v.* United States 864,1025,1200

Page
Campbell's Foliage, Inc. *v.* Federal Crop Ins. Corp. 825
Campos *v.* United States 885
Camsoft Data Systems, Inc.; Southern Electronics Supply, Inc. *v.* 1122
Canady; Williams *v.* 1032,1187
Canete *v.* Jones 1094
Cannon *v.* Newport 1197
Cannon *v.* United States 1029
Cano *v.* United States 945,985
Canon Business Solutions, Inc.; ASAP Copy and Print *v.* 1157
Cantley *v.* Prelesnik 941
Capozzi *v.* United States 1184
Capra; Umali *v.* 924
Caraballo *v.* United States 1201
Caraway; Burgest *v.* 1175
Caraway; Coleman *v.* 1149
Caraway; Light *v.* 1077
Carazo *v.* Saxon Mortgage Services, Inc. 842
Carbajal *v.* Dunlap 979
Carbajal *v.* United States 843
Carcieri *v.* Massachusetts 902
Cardenas Luna, *In re* 932
Cardinal Health, Inc.; Jones-Rankins *v.* 939
Cardwell *v.* United States 1102
Carey; Woods *v.* 892
Caribbean Petroleum Corp.; Intertek USA, Inc. *v.* 1137
Carillo-Lucas *v.* United States 867
Caritas Carney Hospital; Kahyaoglu *v.* 898
Carlo-Izquierdo; Alberti *v.* 817
Carlos Vazquez *v.* United States 1102
Carlson *v.* Allianz Vericherungs-Aktiengesellschaft 974
Carlson *v.* Internal Revenue Service 842
Carman; Carroll *v.* 13
Carmichael *v.* American Express Travel Related Services Co., Inc. 1135
Carnalla-Ruiz *v.* Illinois 847
Carnell Constr. Corp. *v.* Danville Redev. & Housing Auth. 933
Carney *v.* United States 1096
Carolina Casualty Ins. Co. *v.* Ramona Equipment Rental, Inc. . . . 1069
Carolinas Healthcare System; Miller *v.* 811,1014
Carpenter; Allen *v.* 1049
Carpenter; Harris *v.* 862
Carpenter Co. *v.* Ace Foam, Inc. 1190
Carr *v.* Stephens 1124
Carr *v.* United States 1174
Carraher *v.* Beard 964

Page
Carranza *v.* Skipper 869
Carrasco Gamez *v.* Horne 999
Carrillo *v.* Colorado 1049
Carrillo-Moreno *v.* United States 881
Carroll *v.* Carman 13
Carroll *v.* Hunter 1122
Carr-Stephenson *v.* Office Max North America, Inc. 1126,1203
Carson *v.* Metropolitan Atlanta Rapid Transit Authority 1076
Carswell *v.* Jeanes 1083
Carter *v.* Brooms 820
Carter *v.* California 1123,1179
Carter *v.* Carter 1139
Carter *v.* Colvin 1097
Carter *v.* Florida 1197
Carter; Kellogg Brown & Root Services, Inc. *v.* 808
Carter *v.* Milwaukee 818
Carter *v.* Superior Ct. of Cal., Los Angeles County 987
Carter *v.* Swarthout 1149
Carter *v.* Tennessee 1165
Carter *v.* United States 845,907
Carter *v.* U. S. District Court 1162
Carter *v.* Virginia 847
Carter-Bey, *In re* 1072
Cartier *v.* Swaney 832,1043
Cartinhour; Clevenger *v.* 855
Cartledge; Davis *v.* 1174
Cartledge; Walker *v.* 831
Carvajal *v.* United States 848
Carvale *v.* Probuilders Specialty Ins. Co., RRG 1164
Cary *v.* Virginia 938
Casagrande *v.* Siemens Corp. 959
Casares *v.* United States 912
Cash; Vo *v.* 806
Caskey; Sutton *v.* 940,1110
Cass *v.* United States 926,1044
Cassaday; Jones *v.* 1194
Cassady; Bell *v.* 863
Cassady; Garris *v.* 842
Castagnola *v.* Educational Credit Management Corp. 1050,1187
Castaneda *v.* McEwen 883
Castilla *v.* United States 910
Castillo *v.* Biter 1172
Castillo *v.* Louisiana 803,1024
Castillo *v.* United States 977,1101

Page
Castillo-Alvarado *v.* United States 914
Castillo-Chavez *v.* United States 862
Castillo-Ruelas *v.* United States 850
Castro *v.* United States 917
Castro Perez *v.* Stephens 958
Caswell *v.* Massachusetts 1172
Catholic Diocese of Kansas City-St. Joseph; Doe B. P. *v.* 969
Catilla *v.* United States 910
Caulkett; Bank of America, N. A. *v.* 1011,1059
Causey *v.* United States 1126
Cavin *v.* Wolfenbarger 1016
Cayley; Treistman *v.* 882
Cayuga Indian Nation of N. Y.; Seneca County *v.* 1046
C. B.; Sonora *v.* 1159
Ceasar *v.* United States 1102
Cedar Coal Co.; Coleman *v.* 893
Cedar & Washington Assoc. *v.* Port Authority of N. Y. & N. J. . . 1026
Cedillo-Narvaez *v.* United States 1052
Celebrity Cruises, Inc.; Gonsalvez *v.* 816
Celestine *v.* Courtyard of Three Fountains Assn. 837
Cellco Partnership; Jaeger *v.* 818
Celum; Pittman-Bey *v.* 833
Centerplate, Inc.; Marshall *v.* 1050
Central States, S. E. & S. W. Areas Pension Fund; CLP Venture *v.* 1077
Centura College; Lincoln *v.* 855
Century Exploration New Orleans, LLC *v.* United States 1135
Cepero *v.* Florida 983
Cervantes-Sosa *v.* United States 997
Cesal *v.* Federal Prison Industries, Inc. 1016
Chacon *v.* California 831,1043
Chafe *v.* Chafe 962
Chafee; Seguin *v.* 833
Chafin *v.* Chafin 818
Chahla *v.* United States 1078
Chaib *v.* Indiana 825
Chakrala; Bansal *v.* 823
Chambers *v.* Nixon 1033
Chambers *v.* North Carolina Dept. of Juvenile Justice 883
Chambers *v.* United States 1099,1104
Chambliss *v.* United States 945
Champion *v.* United States 905
Champion Exploration, LLC *v.* United States 1135
Chance *v.* Connecticut 864
Chandler; Hook *v.* 865

Page
Chandler; Sanchez *v.* 968
Chandler *v.* University of Pa. 978
Change, Inc.; Harris *v.* 810
Chaplaincy of Full Gospel Churches *v.* Department of Navy 922
Chapman *v.* Arizona 940
Chapman *v.* Mississippi 943
Chapman *v.* United States 1066
Chappell *v.* Ayala 958
Chappell; Deere *v.* 835
Chappell *v.* Evans 1093
Chappell; Evans *v.* 847,1109
Chappell; Moody *v.* 940
Chappell *v.* Morgan 1166,1193
Chappell; Redd *v.* 1041
Chappell; Running Deer *v.* 835
Chapter 7 Trustee; Garmong *v.* 819
Charles *v.* D'Ilio 982
Charles *v.* Stephens 829
Charles *v.* United States 990
Charran *v.* Holder 893,1056
Chase Home Finance; Behrens *v.* 865,1043
Chase Investment Services Corp. *v.* Baumann 1060
Chasse *v.* United States 1126
Chatcavage; Howard *v.* 1087
Chatman; Brannan *v.* 1112
Chatman; Hill *v.* 1143
Chatman; Holsey *v.* 1057
Chatman; Terrell *v.* 1034
Chatman; Tollette *v.* 866
Chaudhry *v.* Johnson 935
Chaudhry; Los Angeles *v.* 876
Chavez *v.* Foulk 859
Chavez *v.* United States 1097
Chen *v.* Mayor and City Council of Baltimore 988,1068,1186
Cheng *v.* California 811,1010
Cherry *v.* Mayor and City Council of Baltimore 1055
Chestang *v.* United States 964
Chetty Holdings, Inc. *v.* Northmarq Capital, LLC 822
Chhim *v.* Aldine Independent School Dist. 1168
Chhim *v.* University of Houston 1165
Chhun *v.* United States 853
Chicago; League of Women Voters of Chicago *v.* 1013
Chicago; Llovet *v.* 1136
Chicago; Olson *v.* 870

Page
Chicago Title Land Trust Co.; Algus Real Estate, LLC *v.* 822
Chief Executive Officer, Siemens; Credico *v.* 970
Childs *v.* Stafford 860
Chi Mak, *In re* 990,1111
Chirino Rivera *v.* United States 968
Chism *v.* California 961
Chisolm *v.* DeSoto Police Dept. 853
Chisolm *v.* United States 911
Chivas Retail Partners, LLC *v.* Inland Mortgage Capital Corp. 820
Chorney *v.* United States 872
Chovan *v.* United States 878
Chowdhury; Khan *v.* 958
Choyce, *In re* 1060
Christenson *v.* Roper 373
Christeson *v.* Lombardi 969
Christeson *v.* Roper 968
Christian *v.* Wright 848
Christopherson *v.* United States 941
Christus Health; United States *ex rel.* Smart *v.* 1048
Christus Health System; United States *ex rel.* Smart *v.* 1048
Christy *v.* United States 844,1043
Chrysler *v.* United States 919
Chrysler Group LLC; Wells *v.* 934
CH2M Hill, Inc.; Silva *v.* 825
Chuan Wang *v.* International Business Machines Corp. 1108
Chu Cha Lee; Yong Chul Son *v.* 972
Chul Son *v.* Chu Cha Lee 972
Chu Ngo *v.* Holloway 836
Cibelli *v.* New Jersey 962
Cichocki *v.* Massachusetts 940
Circuit Court of Mich., Lenawee County; Washington *v.* 1088
Circuit Court of Mich., Oakland County; White *v.* 1031
Circuit Court of Wis., Milwaukee County; Bach *v.* 963
Circuit Court of Wis., Milwaukee County; Smith *v.* 885
Cisco Systems *v.* Commil USA, LLC 1038
Cisco Systems; Commil USA, LLC *v.* 1045
Cisco Systems; Sigram Schindler Beteiligungsgesellschaft MbH *v.* 950
Citibank, N. A.; Sabeniano *v.* 1076,1203
Citibank, N. A.; Smallwood *v.* 933
Citibank South Dakota, N. A.; Smallwood *v.* 869,872
Citigroup, Inc.; Abu Dhabi Investment Authority *v.* 823
Citigroup, Inc.; Riddle *v.* 1090
CitiMortgage, Inc.; Lucas *v.* 1164
CitiMortgage, Inc.; Maddox *v.* 938

Page
Citrus El Dorado, LLC *v.* Stearns Bank 826
City. See name of city.
City Univ. of N. Y.; Milione *v.* 1076
Cius *v.* United States 862
Claassen *v.* United States 1091
Claiborne *v.* California 930
Clark, *In re* 1060
Clark; Al-Sha'ir *v.* 982
Clark; Baldon *v.* 982
Clark *v.* Clarke 981
Clark *v.* Commissioner, Human Resources Administration 905
Clark *v.* Human Resources Administration 905
Clark; Hunter *v.* 1063
Clark *v.* Keller 840
Clark *v.* Louisiana Dept. of Transportation and Development . . . 1030
Clark *v.* Metropolitan Atlanta Rapid Transit Authority 1076
Clark *v.* New York City Human Resources Administration 915
Clark *v.* Oakley 943
Clark; Ohio *v.* 1009,1071
Clark *v.* Oregon 836
Clark *v.* United States 899,920,1108
Clark; Webb *v.* 845
Clark *v.* Wells Fargo Bank 1163
Clarke; Awe *v.* 897
Clarke; Booker *v.* 909
Clarke; Butts *v.* 845
Clarke; Clark *v.* 981
Clarke; Couvington *v.* 1164
Clarke; Custis *v.* 1085
Clarke; DeMary *v.* 979
Clarke; Dixon *v.* 852
Clarke; Fawley *v.* 865
Clarke; Goldader *v.* 912
Clarke *v.* Grounds 923
Clarke; Horton *v.* 1194
Clarke; Hurley *v.* 1014
Clarke; Loiseau *v.* 856
Clarke; LordMaster *v.* 912
Clarke; Mann *v.* 1052
Clarke; McCroskey *v.* 1169
Clarke; Mitchell *v.* 1034
Clarke; Okoh *v.* 1161
Clarke; Peyton *v.* 841
Clarke; Richards *v.* 1137

Page
Clarke; Tharrington *v.* 1050
Clarke *v.* Warren 1071
Clarke; Warren-Bey *v.* 1193
Clarke; Washington *v.* 1165
Clarke; Waters *v.* 983,1111
Clarke; Webb *v.* 1055
Classen Immunotherapies, Inc. *v.* Somaxon Pharmaceuticals 824
Claude X *v.* United States 999
Clay *v.* Kansas 1034
Clay *v.* United States 894,1080
Clayton *v.* New York City Taxi & Limousine Comm'n 1151
Clayton *v.* Niska 1152
Clayton *v.* Stephens 810,1024
Clear Channel Broadcasting, Inc.; Leyse *v.* 815
ClearSpring Loan Services, Inc. *v.* Gretsch 1062
Clegg *v.* White 1030,1186
Clements; Boose *v.* 1035
Cleveland *v.* Mullin 962
Cleveland *v.* Stuart 1032
Cleveland; Townsend *v.* 1086
Clevenger *v.* Cartinhour 855
Clifford *v.* Massachusetts 983
Cline *v.* Sutton 853
Cloke *v.* Yeggy 810
CLP Venture *v.* Central States, S. E. & S. W. Areas Pension Fund 1077
CLS Transportation Los Angeles, LLC *v.* Iskanian 1121
Cluck-U Corp.; Dougherty *v.* 963
C. M. H.; D. M. *v.* 819
Coar *v.* New Jersey 1091
Coates *v.* Holder 1173
Coates *v.* Indiana 1088
Cobble *v.* Georgia 846
Cobler *v.* United States 892
Coconut Grove Bank; Parra *v.* 1061
Coffman *v.* U. S. District Court 1042
Cohen; Alexander *v.* 878
Cohen; Tomlin *v.* 964
Cohen *v.* United States 1108
Cohens *v.* McDonald 807
Coker; Kessell *v.* 975
Cole, *In re* 1152
Cole *v.* Generations Adoptions 1150
Cole *v.* Texas 1123
Cole *v.* Trammell 891

Page
Coleman, *In re* 1135
Coleman *v.* Bowerman 1147
Coleman *v.* Caraway 1149
Coleman *v.* Cedar Coal Co. 893
Coleman *v.* Dykehouse 1147
Coleman *v.* Jabe 1195
Coleman; Mariner Health Care, Inc. *v.* 991
Coleman *v.* Tollefson 1147
Coleman *v.* United States 902,1097
Coleman *v.* Vroman 1147
Coleman-Bey *v.* Bowerman 1147
Coleman-Bey *v.* Dykehouse 1147
Coleman-Bey *v.* Tollefson 1147
Coleman-Bey *v.* Vroman 1147
Coles *v.* Smith 1093
Coley *v.* Washington 1174
Collie *v.* South Carolina Comm'n on Lawyer Conduct 828,844
Collier *v.* United States 864
Collins *v.* Adams 907
Collins; Ford *v.* 839
Collins *v.* Missouri 1160
Collins *v.* United States 924,1019,1172
Collins *v.* Uribe 888
Collins *v.* Wetzel 982
Collyard *v.* United States 876
Colon *v.* United States 1199
Colonel *v.* United States 945
Colon Maldonado *v.* United States 1101
Colony Ins. Co.; Reule *v.* 886
Colorado; Brunsting *v.* 1126
Colorado; Carrillo *v.* 1049
Colorado; Grassi *v.* 1014
Colorado; Grenier *v.* 1194
Colorado; Hoang *v.* 894
Colorado; Johnson *v.* 995
Colorado; Nakagawa *v.* 1096
Colorado *v.* Schaufele 1073
Colorado; Scott *v.* 973
Colorado; Walker *v.* 847
Colorado; Webster *v.* 1095
Colorado Coalition for the Homeless Disability Plan; Holmes *v.* 1153
Colquitt *v.* Illinois 829
Columbia Farms, Inc.; Barton *v.* 825
Colvin; Bryant *v.* 1034

Page
Colvin; Carter *v.* 1097
Colvin; Coppeta *v.* 866,1055
Colvin; Fletcher *v.* 811
Colvin; Hardy *v.* 895
Colvin; Padilla *v.* 810
Colvin; Reedom *v.* 846
Colvin; Simmons *v.* 1166
Colvin; Taylor *v.* 982,1111
Comer *v.* Morgan 1172
Commercial Bank of Ozark; Pearson *v.* 1033
Commil USA, LLC *v.* Cisco Systems, Inc. 1045
Commil USA, LLC; Cisco Systems, Inc. *v.* 1038
Commissioner; Bradley *v.* 1047
Commissioner; Byers *v.* 872,1067
Commissioner; Edge *v.* 810
Commissioner; Gunkle *v.* 1157
Commissioner; Latos *v.* 915
Commissioner, Human Resources Administration; Clark *v.* 905
Commissioner, N. Y. State Ed. Dept.; O'Brien *v.* 959
Commissioner of Internal Revenue. See Commissioner. 915
Commissioner, Tex. Dept. Health Servs.; Whole Woman's Health *v.* 931
Commission for Lawyer Discip.; Willie *v.* 1123
Commission for Lawyer Discip. of State Bar of Tex.; Bender *v.* 1079
Committe *v.* Florida Bar 917
Committee on Grievances for Dist. Ct. SDNY; Peters *v.* 975
Common Cause *v.* Biden 975
Communications Workers *v.* Windstream Corp. 1153
Community Bank of Raymore; Hawkins *v.* 1190
Comporium Communications; Roseboro *v.* 807
Comptroller of the Treasury of Md. *v.* Wynne 957
ConAgra Foods, Inc.; Becker *v.* 1159
ConAgra Foods, Inc.; Jentz *v.* 1159
Conan Doyle Estate, Ltd. *v.* Klinger 976
Concepcion *v.* Iowa 851
Conde-Castaneda *v.* United States 919
Condon; Wilson *v.* 1021
Conn *v.* JPMorgan Chase Bank, N. A. 1086
Connecticut; Bozelko *v.* 961
Connecticut; Buckland *v.* 1078
Connecticut; Chance *v.* 864
Connecticut; Lewis *v.* 854
Connecticut; Revels *v.* 1177
Connecticut; Vivo *v.* 1126
Conner *v.* Virginia 831

Page
Connolly *v.* Roden 1085
Consejo de Titulares del Condominio San Alberto; Alberto San *v.* 869
Constructive Statutory Trust; Buczek *v.* 909,945,1044,1056
Consumer Watchdog *v.* Wisconsin Alumni Research Foundation 1153
Conte *v.* Jakks Pacific, Inc. 1012
Conti *v.* Massachusetts 1178
Continental Ins. Co.; Blanton *v.* 936
Contreras, *In re* 812
Contreras *v.* Beard 837
Contreras-Flores *v.* United States 1102
Cook, *In re* 1022
Cook *v.* Texas 852
Cook *v.* United States 907
Cooke *v.* Delaware 1085
Cooney *v.* United States 1100
Cooper, *In re* 1022,1189
Cooper *v.* Cooper 1151
Cooper *v.* Edwards 855
Cooper; Greene *v.* 899
Cooper *v.* United States 886,917,1028,1103
Cooper Tire & Rubber Co.; Parker *v.* 826
Cope *v.* South Carolina 959
Copeland *v.* United States 846
Coppeta *v.* Colvin 866,1055
Coppin *v.* United States 1003
Coppin *v.* Williams 846
Coppock *v.* United States 1099
Corbett; Lerner *v.* 874
Corbett *v.* United States 903
Corbitt *v.* Florida 911
Cordero *v.* Lee 1051
Cordova-Soto *v.* Holder 819
Cornejo-Jimenez *v.* United States 894
Coronado *v.* Holder 1190
Corporation *v.* United States 807
Corporation and Client *v.* United States 993
Corr *v.* Metropolitan Wash. Airports Authority 1071
Correa *v.* United States 1017
Corrections Corp. of America; Howard *v.* 1195
Correll; Florida *v.* 1187
Corrigan *v.* Kron 820
Corrion *v.* Latrielle 1065
Cortes *v.* Crews 1064
Cortez *v.* New York 858

Page
Cortez *v.* Perez 843
Cortez-Diaz *v.* United States 907
Cortina *v.* Beard 1049
Cortina *v.* Texas 897
Cory *v.* Leasure 1137
Corzine; Salerno *v.* 1089
Cosby *v.* Thomas 843
Costigan; Bartlow *v.* 935
Cotter *v.* Law Offices of Paul Gertz, P. C. 942,1110
Couch, *In re* 812
Coulter *v.* Unknown Probation Officer 824
Council, *In re* 971
Council *v.* United States 845
Countrywide Bank, F. S. B.; Vallejo *v.* 1136
Countrywide Home Loans, Inc.; Frappier *v.* 827
Countrywide Home Loans, Inc.; Haase *v.* 957,1049
Countrywide Home Loans, Inc.; Jesinoski *v.* 259,931
Countrywide Home Loans, Inc.; Smith *v.* 1071
Countrywide Home Loans, Inc.; Washington *v.* 876
County. See name of county.
Couron *v.* Davis 994
Court of Appeal of Cal., Fourth Appellate Dist.; Bernier *v.* 1125
Court of Appeal of Cal., Second Appellate Dist.; Rodriguez *v.* . . . 801
Court of Appeals. See also U. S. Court of Appeals.
Court of Appeals of Wis., Dist. II; Peterson *v.* 879
Courtyard of Three Fountains Assn.; Celestine *v.* 837
Couture *v.* Couture 963
Couvington *v.* Clarke 1164
Coventry Health Care of Mo., Inc. *v.* Nevils 808
Cox; Anderson *v.* 981
Cox *v.* Kerestes 1033
Cox *v.* McEwen 1181
Cox *v.* United States 874,1180
C. R. *v.* Vermont 938
Crabtree *v.* Friends of Amador County 1046
Craig; Halstead *v.* 982
Crail *v.* United States 867
Crandell *v.* Cain 883
Crane Co.; Leite *v.* 934
Crane Co. *v.* Wood 1156
Crawford *v.* United States 1037
Crawley *v.* United States 1200
Creamer *v.* Motors Liquidation Co. GUC Trust 1030,1111
Credico *v.* Chief Executive Officer, Siemens 970

Page
Credico *v.* Guthrie 1045
Credico *v.* Pennsylvania 1045
Credico *v.* Unknown Employee of the Houston FBI 1008
Creech; Anderson *v.* 1028
Creech *v.* Ohio 899
Cregan *v.* Illinois 963
Crespin Sanchez *v.* United States 1178
Crewe *v.* New York 1137
Crews; Alexander *v.* 890
Crews; Badagliacca *v.* 896
Crews; Banks *v.* 1007
Crews; Benitez *v.* 961
Crews; Berube *v.* 858
Crews; Bright *v.* 1133
Crews; Brooks *v.* 831
Crews; Butler *v.* 891
Crews; Cortes *v.* 1064
Crews; Dawson *v.* 1051
Crews; Dinkens *v.* 910
Crews; Downs *v.* 817
Crews; Esty *v.* 1031
Crews *v.* Farina 1003
Crews; Farmer *v.* 857
Crews; Gilbrook *v.* 866,1186
Crews; Gribben *v.* 1017
Crews; Hitchcock *v.* 939,1056
Crews; Jones *v.* 1032
Crews; Keene *v.* 939
Crews; Kitchen *v.* 1033
Crews; Lambrix *v.* 832
Crews; Lopez Rosier *v.* 893
Crews; Mullins *v.* 885
Crews; Newell *v.* 1030
Crews; Nicot *v.* 887
Crews; Obojes *v.* 892
Crews; Oliva *v.* 1035
Crews; Ortiz *v.* 831
Crews; Pawley *v.* 1031
Crews; Permenter *v.* 882
Crews; Puiatti *v.* 817
Crews; Reyes *v.* 1109
Crews; Robinson *v.* 841
Crews; Rocha *v.* 834
Crews; Sanders *v.* 831,1109

Page
Crews; Schmidt *v.* 802,1046
Crews; Smith *v.* 860
Crews *v.* United States 912
Crews; Victory *v.* 943
Crews; Wacker *v.* 888
Crews; Wade *v.* 1035
Crews; Watkins *v.* 810,1013
Crickmar; Smith *v.* 1016
Crisostomi *v.* United States 890
Crisp *v.* United States 1024
Croft *v.* Illinois 898
Cromitie *v.* United States 829
Cromratie *v.* United States 878
Cronin *v.* United States 1154
Crosby *v.* Thomas 843
Crosby *v.* United States 919,946
Cross; Millis *v.* 1180
Cross; Price *v.* 914
Crugher *v.* Prelesnik 1136
Crummy *v.* United States 919
Crutchfield; Brown *v.* 1194
Crutsinger *v.* Stephens 1160
Cruz *v.* Biter 839
Cruz *v.* Jones 1198
Cruz *v.* United States 989,1103
Cruz-Vazquez *v.* United States 986
CSX Transportation, Inc.; Alabama Dept. of Revenue *v.* 1009
CSX Transportation, Inc.; Bennett *v.* 819
Cubatabaco; General Cigar Co., Inc. *v.* 1153
Cubero *v.* United States 1052
Cuellar-Ramirez *v.* United States 904
Cueto-Parra *v.* United States 1017
Cuffee *v.* Virginia 846
Cullum *v.* Illinois 886
Cumberland County Bd. of Ed.; Thomas *v.* 961,1056
Cummings *v.* Burt 1167
Cummings *v.* Whiddon 1032
Cunningham *v.* Louisiana 852
Cunningham *v.* United States 967
Cupples *v.* Michigan 869
Curry; Rider *v.* 1073
Curry *v.* United States 808,1132
Cursheen *v.* United States 1092
Curtin; Galvin *v.* 1063

Page
Curtin; Harp *v.* 963
Curtin; McCray *v.* 1064
Curtis *v.* United States 1018,1183
Custis *v.* Clarke 1085
Cuti *v.* United States 958
CVS Pharmacy Inc.; Williams *v.* 823
D., *In re* 1043
D. *v.* Florida Dept. of Children and Families 852
D. *v.* Kouwabunpat 808,1082
D. *v.* New York 1150
Dado *v.* United States 992
Dail; Paniagua *v.* 893
Daitch *v.* Texas 899
Dale *v.* Howard 1137
Daley; Jones *v.* 1024
Dallas; Russell *v.* 818,1048
Dalton *v.* United States 964
Dalton *v.* Warren 941
Daly; Wylie *v.* 830,1109
D'Ambrosio *v.* Marino 1047
Dames *v.* United States 882,1056
Dammeyer *v.* Municipal Mortgage & Equity, LLC 822
Dana Point; Lambert *v.* 1189
Danford *v.* Graham 994
Dang *v.* Virginia 853
D'Angelo, *In re* 812
Daniel *v.* Bank of America, N. A. 992
Daniel *v.* United States 855,1052,1079
Daniel *v.* Wells Fargo Bank, N. A. 992
Daniel B.; Aisha K. *v.* 845
Daniels; Cade *v.* 982
Daniels *v.* Caldwell 1043
Daniels; Hall *v.* 950
Daniels; Harrison *v.* 938
Daniels *v.* Hoffner 996
D'Antoni *v.* United States 828
D'Antuono *v.* New York 1022
Danville Redev. & Housing Auth. *v.* Carnell Constr. Corp. 933
Dao, *In re* 813
Daoud *v.* United States 1158
Darby; Shahid *v.* 1061
Darnell *v.* Texas 802,1010
Dart Cherokee Basin Operating Co. *v.* Owens 81
Dartmouth Hitchcock Medical Center; Isaacs *v.* 959

Page
Darwich *v.* United States 1200
Dasher; RBC Bank (USA) *v.* 922
Dashgir *v.* United States 934,1109
Daugerdas, *In re* 971
Daughters of Charity Health System, Inc.; Ilaw *v.* 1163
Dautovic *v.* United States 1173
Dauven *v.* George Fox Univ. 1090
Davenport *v.* Powers 1065
Davey; Jackson *v.* 979
Davey; Luna *v.* 914
Davey; Shea *v.* 1034,1143
Davey; Soto *v.* 942
Davey; Winter *v.* 963
David; Ross *v.* 807
Davidson; Elcock *v.* 1164
Davila *v.* United States 1177
Davis, *In re* 813,1066
Davis *v.* Allegheny County 970
Davis *v.* Arkansas 941
Davis *v.* Brown 898
Davis *v.* Cartledge 1174
Davis; Couron *v.* 994
Davis *v.* Davis 1074
Davis *v.* District Attorney of Philadelphia County 1197
Davis *v.* Donahoe 810,1010,1026
Davis *v.* Duncan 1121
Davis *v.* Holmes 983
Davis; Illinois *v.* 1026
Davis; Ismael Gonzalez *v.* 897
Davis; Jenkins *v.* 856,1109
Davis *v.* Jordan 1101
Davis; Justice *v.* 1082
Davis; Ladeairous *v.* 847
Davis *v.* Louisiana 1014
Davis *v.* Nooth 896
Davis *v.* Ohio 1202
Davis *v.* Oppy 1093
Davis; Phillips *v.* 1087
Davis; Taylor *v.* 822
Davis *v.* Texas 865
Davis *v.* Thomas 906
Davis *v.* United States. 821,
828,832,912,917,947,1044,1055,1095,1097,1101,1181
Davis-Bey *v.* Virginia 1031

Page
Dawes *v.* Publish America LLLP 1124
Dawkins *v.* United States 1103
Dawson *v.* Anderson County 1158
Dawson *v.* Crews 1051
Dawson; Solomon *v.* 939,1024
Day *v.* Johnson 1014
Day; Williams *v.* 803,1024
Daye *v.* Plumley 848
Dayson *v.* Michigan 994
Dayton; Wilson *v.* 1134
DC Comics; Peary *v.* 923
D. C. M. *v.* Florida Dept. of Children and Families 1138
D. D. *v.* Florida Dept. of Children and Families 852
D. D-S *v.* Southold Union Free School Dist. 975
Dean *v.* Board of Ed. of Prince George's County 847
Dean *v.* Porsche Automobile Holdings SE 1189
Dean Foods Co. *v.* Food Lion, LLC 1011
DeBoer *v.* Snyder 1118
Debose *v.* California 1051
DeCay *v.* Houston 936
Decherd *v.* Freeze 992
Decker; Williams *v.* 1165
Decon; Fourstar *v.* 902
Dedmon *v.* United States 1026
Dee *v.* Maine 1122
Deemer *v.* Beard 814
Deep Woods Holdings *v.* Savings Deposit Ins. Fund of Turkey . . 1076
Deere *v.* Chappell 835
Deering *v.* Romanowski 995
De Freitas *v.* Berkowitz 1031
DeGenes *v.* Zappala 872,1056
DeGiacomo *v.* Traverse 976
Degorski *v.* Illinois 938
Dehlinger *v.* United States 922
DeHorse *v.* DeHorse 869,1043
DeJournett *v.* Steele 997
DeKeyser; ThyssenKrupp Waupaca, Inc. *v.* 987
DeKeyser; Waupaca Foundry, Inc. *v.* 987
De La Cruz *v.* Holder 897
De La O, *In re* 1151
De La Torre *v.* Kansas 1035
Delaware; Cooke *v.* 1085
Delaware; Kalil *v.* 906
Delaware; Maddox *v.* 837

Page
Delaware; Mitchell *v.* 862
Delaware; Nieves *v.* 938
Delaware Dept. of Family Services; Scott *v.* 888
DeLeo *v.* United States 967
de Leon; Doe *v.* 818
Deleon; Kalamazoo County Road Comm'n *v.* 1104
Deleon *v.* Stephens 838
DeLeon *v.* United States 947
Delgado Beltran *v.* Ryan 1052,1187
Delgado-Ornelas *v.* United States 985
Delisi *v.* California 897
Del Monte *v.* United States 997
Deloitte & Touche; White *v.* 808,1155
De Lopez *v.* United States 1053
Del Rio, *In re* 813,1060
Del Rosario *v.* United States 883
Delta Air Lines, Inc.; Smith *v.* 1148
del Valle-Rodriguez *v.* United States 913
DeMary *v.* Clarke 979
Demmitt *v.* United States 891
Dempsey *v.* Sandin 904
Denis *v.* Florida 979
Denney; Jensen *v.* 887
Denney; Simmons *v.* 974
Denney; Washington *v.* 877
Denney; Weston *v.* 1126
Denton County; Williams-Boldware *v.* 821
Denver; Glaser *v.* 838,1186
Department of Agriculture; Horne *v.* 1118
Department of Army; Burroughs *v.* 808,1027
Department of Army; Johnson *v.* 1078
Department of Defense; Ling Yuan Hu *v.* 840
Department of Ed.; Pettaway *v.* 1086
Department of Ed.; Ruiz-Rivera *v.* 1024
Department of Homeland Security *v.* Maclean 383
Department of Homeland Security; Setevage *v.* 876
Department of Housing and Urban Development; Bright *v.* . . 1049,1133
Department of Justice; Electronic Frontier Foundation *v.* 933
Department of Labor; Baiju *v.* 863
Department of Labor; Gossage *v.* 972,1191
Department of Labor; Hasan *v.* 821,934
Department of Labor; Kutty *v.* 1122
Department of Navy; Chaplaincy of Full Gospel Churches *v.* 922
Department of Navy; Kelson *v.* 911,1044

Page
Department of Veterans Affairs; Franklin *v.* 1034,1187
Dermendziev *v.* Uttecht 886,1067
deRosier *v.* Longaker 976
DeSautel; Wheeler *v.* 930,1025
DesJardins; Johnson *v.* 931,1029
DeSoto Police Dept.; Chisolm *v.* 853
Dethman *v.* Kirkegard 982
Detroit International Bridge Co. *v.* Nadeau 1155
Detroit Public Schools; Lewis *v.* 941
Deuman *v.* United States 914
Deutsche Bank AG; Greenfield *v.* 1171
Deutsche Bank National Trust Co.; Bello *v.* 1096,1203
Deutsche Bank National Trust Co.; Figueroa *v.* 809
Deutsche Bank National Trust Co.; Miller *v.* 1170
Deutsche Bank National Trust Co.; Read *v.* 1164
Deutsche Bank National Trust Co.; Stevens *v.* 1075
Deutsche Bank Securities, Inc.; Graves *v.* 1073
Deutsche Bank Trust Co. Americas; Khosiko *v.* 1048
Developers Diversified Realty; White-Robinson *v.* 818
Deverso *v.* United States 910
Devita *v.* District of Columbia 1028
DeVone *v.* National Casualty Co., Inc. 942
Dewald *v.* Michigan 1025
Dewald *v.* Wriggelsworth 875
Dewey; Braverman *v.* 872
Dewhart *v.* BP Majority 861
DeWine; Ikharo *v.* 886
D. I. *v.* A. P. 1027
Diacetyl Plaintiffs *v.* Aaroma Holdings, LLC 974
Diamond *v.* Pennsylvania 857
Diaz *v.* Arizona 821
Diaz; Blacher *v.* 882
Diaz; Neff *v.* 835
Diaz; Redondo Construction Corp. *v.* 959
Diaz *v.* South Dakota 1029
Diaz *v.* United States 903
Diaz-Castro *v.* United States 1103
Diaz-Galiana *v.* United States 903
Diaz-Navarro *v.* United States 910
Diaz Rosas *v.* United States 903
Dierickx *v.* Butz Dunn & Desantis 807
Diez *v.* United States 862
DiGeronimo Aggregates, LLC *v.* Zemla 1077
D'Ilio; Charles *v.* 982

Page
D'Ilio; Scott *v.* 1064,1187
Dillard; Peralta *v.* 1073
Dillon *v.* Dooley 895,1186
Dillworth *v.* Everett 1134
Dimery *v.* Ulster Savings Bank 1192
Dimora *v.* United States 871
Dinan; Alpha Networks, Inc. *v.* 1079
Dingus; Gleason *v.* 877
Dinh Anh Trinh *v.* California 1139
Dinkens *v.* Crews 910
Diocese of Northwest Tex. *v.* Masterson 974
Dion *v.* United States 850
Director, Hawaii Dept. of Human Services; Korab *v.* 976
Director, Ill. Dept. of Labor; Bartlow *v.* 953
Director, N. J. Div. of Alcoholic Beverage Control; Freeman *v.* . . 820
Director, Office of Workers' Compensation Programs; Lincoln *v.* 932
Director, Office of Workers' Compensation Programs; Mitchell *v.* 1050
Director, Ohio Dept of Health; Obergefell *v.* 1118
DiRosa *v.* United States 1053
Disciplinary Bd. of the Supreme Court of N. D.; Sweeney *v.* 1138
Discover Bank; Adams *v.* 870,1067
District Attorney of Berks County, Pa.; Rosado *v.* 872
District Attorney of Philadelphia County; Davis *v.* 1197
District Attorney of Philadelphia County; Robinson *v.* 1167
District Attorney of Philadelphia County; Strong *v.* 1197
District Attorney of the County of Chester; McPherron *v.* 970
District Court. See also U. S. District Court.
District Court of Tex., Travis County; Hunter *v.* 930
District of Columbia; Barnes *v.* 1178
District of Columbia; Devita *v.* 1028
District of Columbia Bd. of Elections and Ethics; Foshager *v.* . . . 988
District of Columbia Office of Planning; Bassman *v.* 935
Ditkowsky *v.* Illinois Attorney Registration and Discip. Comm'n 822
Dixon *v.* Clarke 852
Dixon *v.* Greene 1030
Dixon *v.* Hart 1084
Dixon *v.* Robinson 831
Dixon *v.* United States 907
Dixon *v.* Zeem 994
Dize *v.* Association of Maryland Pilots 1020
Dize *v.* Maryland Pilots 815
D. M. *v.* C. M. H. 819
Dobbey *v.* Illinois 828
Dockery *v.* New York 893

Page
DocRx, Inc.; EMI Services of N. C., LLC *v.* 1012
Dodd *v.* United States 1200
Dodds *v.* Michigan Dept. of Human Services 873
Doe; Palmer *v.* 1046,1079
Doe *v.* Patton 1058,1167
Doe *v.* United States 864,999
Doe *v.* Zedillo Ponce de Leon 818
Doe B. P. *v.* Catholic Diocese of Kansas City-St. Joseph 969
Dolenz *v.* United States 1202
Dollar General Corp. *v.* Mississippi Band of Choctaw Indians . . . 809
Dolph-Hostetter *v.* Warren 1030
Dominguez-Armas *v.* United States 921
Donahoe; Davis *v.* 810,1010,1026
Donahoe; Gilbert *v.* 873
Donahoe; Kendall *v.* 926
Donahoe; McKoy *v.* 827,1066
Donahoe; Mitchell *v.* 810
Donahoe; Morrow *v.* 983,1111
Donahoe; Washington *v.* 1017
Donahue; Perdue *v.* 859
Donaldson *v.* United States 924,1177
Donehue; Harper *v.* 898
Donelson *v.* Kirby 912
Dong Lang *v.* California Unemployment Ins. Appeals Bd. 1196
Donkin *v.* Donkin 818
Donnell *v.* United States 1201
Donovan; Bush *v.* 1196
Don Quijote (USA) Co. Ltd.; Mizukami *v.* 976,1110
Dooley; Dillon *v.* 895,1186
Dore *v.* United States 1002
Dorsey, *In re* 1189
Dorsey *v.* Louisiana 1193
Dorsey *v.* Relf 999,1111
Dorsey *v.* United States 877
Dorsey *v.* West Virginia 1099
Dortch *v.* Johnson 1084
Dosch *v.* Weber 881
Douce *v.* Fiala 982
Dougan *v.* Pugh 996
Dougherty *v.* Advanced Wings LLP 963
Dougherty *v.* Cluck-U Corp. 963
Dougherty; Dressler *v.* 839
Dougherty *v.* Snyder 963
Dougherty *v.* United States 1141

Page
Dougherty *v.* U. S. District Court 963
Douglas *v.* Mitchell 1172
Douglas; Wilson *v.* 1050,1111
Douma; Peterson *v.* 1078
Douros *v.* Pennsylvania 820
Douthit *v.* Stephens 1014
Dovine *v.* United States 1037
Dowd; Jones *v.* 1174
Dowdy *v.* United States 809
Dowling; Hodges *v.* 1063
Downer *v.* Royal Caribbean Cruises, Ltd. 820
Downing; Goldman Phipps, PLLC *v.* 1159
Downing; Phipps Group *v.* 1158
Downs *v.* Crews 817
Downs *v.* Ferriolo 868
Doyle *v.* Frink 847
Dozier *v.* United States 1002
Drago *v.* Jones 1167
Draper *v.* Lindamood 997
Draper *v.* United States 1000
Draughon *v.* Ohio 1051
Drawhorn *v.* Texas 1193
Drayton *v.* United States 893
Dressler *v.* Dougherty 839
Drummer *v.* Newark Housing Authority 981
Drummer *v.* University of Phoenix 848
Drummond *v.* Pennsylvania 906
Dry *v.* Steele 959
D-S *v.* Southold Union Free School Dist. 975
Duarte *v.* Barnes 1166
Duarte *v.* United States 1101,1187
Du Bois *v.* Bradley 1047
Ducart; Aguilar *v.* 1166
Ducart; Bachicha *v.* 833
Ducart; Francisco Nevarez *v.* 914
Ducart; Gonzalez *v.* 1064
Ducart; Lipsey *v.* 892
Ducart; Rodriguez *v.* 853
Ducart; Smith *v.* 925
Dudley-Bey, *In re* 812
Duff *v.* California 1080
Duffy, *In re* 1009
Duhart *v.* Jones 1173
Duhart *v.* United States 1184

Page
Duke *v.* Ffrench-Mullen 958,1025,1090,1203
Dukles *v.* Ohio 961,1143
Dulimof-Spathis *v.* Spathis 856
Dumas *v.* United States 897
Duncan; Davis *v.* 1121
Duncan *v.* Massachusetts 891
Duncan *v.* Texas 862,1109
Duncan; Thomas *v.* 1168
Dung Dinh Anh Trinh *v.* California 1139
Dungey *v.* Illinois 895
Dunlap; Carbajal *v.* 979
Dunlap *v.* Idaho 932
Dunlap *v.* Kentucky 838
Dunlop; Leon *v.* 940
DuPage Circuit Court Clerk Office; Hock *v.* 843
Dupree *v.* Florida 890
Dupris *v.* Proctor 933
Durham; Pyburn *v.* 1197
Durst *v.* California 1064
Dury *v.* United States 1198
DuShane *v.* United States 1003,1111,1183
Duval *v.* United States 823
Dvorak *v.* United States 910
Dye *v.* Michigan 834
Dyess *v.* United States 827
Dykehouse; Coleman *v.* 1147
Dykehouse; Coleman-Bey *v.* 1147
Dykstra *v.* Jones 1173
Dyson *v.* United States 866
Dzurenda; Anderson *v.* 883
E. *v.* Florida Bd. of Bar Examiners 807
E. *v.* Florida Bd. of Dental Examiners 1027
Earls; Sanchez *v.* 838
Early; Ross *v.* 869
Eaton *v.* Recktenwald 1188
Eaton *v.* United States 999
Ebeling *v.* Smith 1169
Echeverria *v.* United States 1177
Echols *v.* Michigan 1030
Echols *v.* United States 985
Eckstrom *v.* Valenzuela 945
Eddy *v.* Kansas 840
Edelstein, *In re* 1009
Edenfield; Luney *v.* 1092

Page
Edge *v.* Commissioner 810
Edge *v.* United States 986
Edison *v.* United States 967
Edison International; Tibble *v.* 1134
Edmonds; Mason *v.* 862
Edmonson *v.* Harrington 836
Educational Bus Transportation, Inc.; Rolle *v.* 1163
Educational Credit Management Corp.; Ayele *v.* 927
Educational Credit Management Corp.; Castagnola *v.* 1050,1187
Education Logistics, Inc.; Laidlaw Transit, Inc. *v.* 1191
Edwards, *In re* 932,1056
Edwards; Cooper *v.* 855
Edwards *v.* Pearson 885
Edwards *v.* Rawski 982
Edwards *v.* United States 1026,1179,1184
Edwards-El *v.* California 1051
Eid *v.* Thompson 827
Eide *v.* Baskerville 897
E. I. du Pont de Nemours & Co.; Kolon Industries, Inc. *v.* 987
Eighth Judicial District Court of Nev., Clark County; Amezcua *v.* 830
Eighth Judicial District Court of Nev., Clark County; Rodriguez *v.* 855
Eighth Judicial District Court of Nev., Clark County; Schaefer *v.* 870
Eiler *v.* John Morrell & Co. 884,1110
Eiler *v.* South Dakota Dept. of Labor and Regulation 839,1109
Eisele *v.* Indiana 832
Ekanem *v.* United States 966,1044
El, *In re* 1203
El *v.* BNSF Railway Co. 1149
El-Alamin *v.* United States 1095
Elcock *v.* Davidson 1164
Electrical Workers; Nextera Energy Point Beach, LLC *v.* 1121
Electronic Frontier Foundation *v.* Department of Justice 933
Elevating Boats, L. L. C. *v.* Naquin 1152
Elevating Boats, L. L. C.; Naquin *v.* 933
Eliezer Ortiz *v.* Pennsylvania 894
Elizondo *v.* Neven 997
Elizondo-Hernandez *v.* United States 1101
Ellenburg *v.* Montana 848,1043
Elliott; KB Home Raleigh-Durham, Inc. *v.* 993
Elliott *v.* Michigan 1015
Elliott *v.* Pennsylvania 828
Elliott *v.* Swarthout 1139
Elliott *v.* United States 917
Ellis *v.* United States 1199

Page
Ellison *v.* United States 1198
Ellmann; Baldridge *v.* 822
El Malik *v.* McDonald 838
El Mujaddid *v.* U. S. District Court 854
E. M. *v.* Pajaro Valley Unified School Dist. 1079
Emerald Ridge Service Corp.; Brooks-McCollum *v.* 824
Emerson Electric Co. *v.* U. S. District Court 871
Emery; Poag-Emery *v.* 1048
EMI Services of N. C., LLC *v.* DocRx, Inc. 1012
Employment Services; Lincoln *v.* 855
Empresa Cubana del Tabaco; General Cigar Co., Inc. *v.* 1153
Endsley *v.* U. S. District Court 852
English; Miguel Hilario *v.* 916
Enriquez *v.* Stephens 1134
Enriquez *v.* Territory of Guam 961
EPA; Frey *v.* 993
EPA; Michigan *v.* 1021,1067
EPA; National Mining Assn. *v.* 1021,1067
EPA; Utility Air Regulatory Group *v.* 814,1021,1067
Episcopal Church *v.* Episcopal Diocese of Fort Worth 973
Episcopal Diocese of Fort Worth; Episcopal Church *v.* 973
Eppinger; Baumgartner *v.* 1062
Eppinger *v.* United States 850
Epps; Hughes *v.* 1080
Equal Employment Opportunity Comm'n; Baltimore County *v.* 974
Ercole; Pierre *v.* 864
Ericksen *v.* Plumley 1032
Erickson *v.* U. S. Postal Service 1150
Erikson *v.* BP Exploration & Production Inc. 975,1110
Ernst & Young, LLP; Richards *v.* 932
Ervin *v.* United States 1079
Escambia County School Bd.; Blackmon *v.* 895,1110
Escandon *v.* Los Angeles County 1191
Escobar, *In re* 1072
Escobar *v.* Antonio Garcia 1073
Escobar *v.* Texas 959
Escobedo *v.* Lund 1169
Esparza *v.* Montgomery 1090
Espino Garcia *v.* United States 1082
Espino-Ibarra *v.* United States 888
Espinoza *v.* United States 904,947
Espinoza-Diaz *v.* United States 1193
ESPN, Inc.; Samuel *v.* 857
Esquenazi *v.* United States 876

Page
Esquivel *v.* United States 1003
Estelle *v.* United States 863
Estrada, *In re* 812
Estrada *v.* San Antonio Independent School Dist. 1154
Estrada-Rodriguez *v.* United States 860
Esty *v.* Crews 1031
Etcheber *v.* Federal Bureau of Investigation 1158
Ethridge *v.* United States 947
Ethridge Estate *v.* Recovery Management Systems, Inc. 1192
E*Trade Securities LLC; Agnew *v.* 926
Eubanks *v.* Hobbs 1121
Eugene *v.* United States 947
E. V.; Wyatt *v.* 1011
Evans *v.* Chappell 847,1109
Evans; Chappell *v.* 1093
Evans; Nunn *v.* 834
Evans *v.* Ohio 898
Evans *v.* Patton 994
Evans *v.* Pennsylvania 1177
Evans *v.* Pierce 1140
Evans *v.* United States 857,917
Evans *v.* Zatecky 1083
Everett *v.* Barrow 1167
Everett; Dillworth *v.* 1134
Everett *v.* United States 947
Evergreen Assn., Inc. *v.* New York City 973
Evergreen Owners, Inc.; Calderon *v.* 1163
Evers; Nguyen Vu *v.* 1172
Exceptional Child Center, Inc.; Armstrong *v.* 1069
Executive Dir., Brain Institute, Geisinger Med. Ctr.; Robertson *v.* 1140
Expectant Mother Care Pregnancy Centers *v.* New York City . . 973
F.; A. A. *v.* 871
Facon *v.* United States 1103
Fahnbulleh *v.* United States 1202
Fairchild *v.* Jones 1170
Faison, *In re* 1047
Faison *v.* United States 917
Falk; Wheeler *v.* 1032
Falor; Baez *v.* 1123
Fantuzzo *v.* Taylor 899
Farahi *v.* United States 1184
Fargo; Hector *v.* 874
Farina; Crews *v.* 1003
Farkas *v.* GMAC Mortgage, LLC 875

Page
Farlee *v.* United States 1002
Farley; Fourstar *v.* 902
Farley; Saccoccia *v.* 1108
Farley *v.* United States 1098
Farmer *v.* Biter 863
Farmer *v.* Crews 857
Farmer *v.* Texas 937
Farmer *v.* United States 1172
Farmland Management Services; G & C Land *v.* 1157
Farris *v.* Ranade 1158
Farris *v.* Stephens 898,1203
Farrow *v.* United States 1171
Fate *v.* Harper 822
Fatouros *v.* U. S. District Court 889
Faulk *v.* Virginia 888
Fausnaught *v.* United States 1099
Fawley *v.* Clarke 865
Fay *v.* Massachusetts 858
Fayram; Velazquez-Rameriz *v.* 1139
Feather; Old Chief *v.* 1104
Fedder *v.* Addus Healthcare, Inc. 922
Federal Bureau of Investigation; Etcheber *v.* 1158
Federal Bureau of Investigation; Phillips *v.* 927
Federal Bureau of Prisons; Ajaj *v.* 804
Federal Bureau of Prisons; Zebrowski *v.* 840
Federal Communications Comm'n; Alpine PCS, Inc. *v.* 873
Federal Communications Comm'n; Blanca Telephone Co. *v.* 871
Federal Crop Ins. Corp.; Campbell's Foliage, Inc. *v.* 825
Federal Deposit Ins. Corp.; AmFin Financial Corp. *v.* 1153
Federal Deposit Ins. Corp.; Arroyo *v.* 807,1136
Federal Deposit Ins. Corp.; Youkelsone *v.* 945
Federal Deposit Ins. Corp.; Zucker *v.* 990
FEC; Stop This Insanity, Inc., Employee Leadership Fund *v.* . . . 1074
Federal Grievance Committee; Williams *v.* 1156
Federal Home Loan Mortgage Corp.; Britton *v.* 1157
Federal National Mortgage Assn.; Lewis *v.* 1084
Federal National Mortgage Assn.; Simmons *v.* 991
Federal National Mortgage Assn. *v.* Sundquist 1003
Federal Network Systems, LLC; McNeil *v.* 810
Federal Prison Industries, Inc.; Cesal *v.* 1016
FTC; North Carolina State Bd. of Dental Examiners *v.* 494
FTC; Ross *v.* 819
Federal Way; Adams *v.* 1016,1111
Feeney; Mammola *v.* 1084

Page
Felders; Malcom *v.* 1108
Feliciano *v.* McKee 902
Feliciano *v.* United States 1037
Felix, *In re* 1189
Felker; Melvin *v.* 994
Felton *v.* Stephenson 1063
Felts *v.* United States 1201
Ferguson *v.* McDonald 836
Ferguson *v.* United States 902
Fernandez *v.* Florida Dept. of Corrections 865
Fernandez *v.* United States 856
Fernandez-Montano *v.* United States 860
Fernando-Azua *v.* United States 1092
Ferrari North America, Inc.; Shone *v.* 1155
Ferrier *v.* Kentucky 1122
Ferriolo; Downs *v.* 868
F. E. V.; Wyatt *v.* 1011
Ffrench-Mullen; Duke *v.* 958,1025,1090,1203
F. H.-T. *v.* Holder 815
FIA Card Services, N. A.; Ponte *v.* 1163
Fiala; Douce *v.* 982
FICO; Montanez *v.* 976
Fidelity & Guaranty Life Ins. Co.; Thomas *v.* 898,1067
Fielder *v.* Stevenson 898
Fields *v.* Louisiana 849
Fields *v.* Merit Systems Protection Bd. 914
Fields *v.* Tulsa 1027
Fields *v.* United States 947
5th & Centennial, LLC; North Las Vegas *v.* 1027
Figueroa; Ali *v.* 1050
Figueroa *v.* Deutsche Bank National Trust Co. 809
Figueroa *v.* United States 902
Figueroa-Cruz *v.* United States 1142
Figuried *v.* United States 906
Fikes *v.* Sheets 866
Finamore *v.* Philadelphia Housing Authority 1033
Finch *v.* Texas Dept. of Criminal Justice 851
Finch *v.* United States 820
Finley *v.* United States 902,1171
First *v.* United States 828
First American Title Ins. Co.; Stevenson *v.* 933
First Equity Assets II, LLC; Samay *v.* 976
First Judicial Dist.; Banks *v.* 807
Fisch *v.* United States 1080

Page
Fischer; Agosto *v.* 842,1066
Fischer *v.* Harris 1031
Fisher *v.* Lewis 1141
Fisher; Mandeville *v.* 1088
Fisher *v.* United States 1014
Fitchett *v.* Wilson 960
Fitzgerald *v.* Ashley 839
Fitzpatrick *v.* Tennessee Dept. of Children's Services 1157
Flanders *v.* Maine 905
Flanders *v.* United States 1141
Flannery *v.* Massachusetts 903
Fleek *v.* United States 915
Fleming; Bailey *v.* 1090
Fleming *v.* Texas 1122
Fleming *v.* Todman 860
Flentroy *v.* Stephens 1194
Fletcher *v.* Board of Bar Overseers of Sup. Jud. Ct. of Mass. . . . 837,1055
Fletcher *v.* Colvin 811
Fletcher *v.* Mendonsa 1125
Fletcher *v.* Shulman 1192
Flinn *v.* Tennessee 900
Flint *v.* United States 998
Flood *v.* United States 1132
Florence *v.* U. S. District Court 1196
Flores *v.* Long 850
Flores *v.* McDonald 862
Flores *v.* United States 811,877,881,899,998,1098,1174,1203
Flores-Campos *v.* United States 999
Flores-Garcia *v.* United States 987
Flores Mercado *v.* United States 898
Flores-Rivera, *In re* 1151
Flores Texidor *v.* Folino 1033
Florida; Adams *v.* 1162
Florida; Aikens *v.* 943
Florida; Alfred *v.* 896,919,1056
Florida; Allen *v.* 938
Florida; Anderson *v.* 838,1100
Florida; Andrews *v.* 1093
Florida; Baez-Garcia *v.* 858
Florida; Banda *v.* 979
Florida; Banks *v.* 1007
Florida; Baxter *v.* 1042
Florida; Bonner *v.* 830
Florida; Bray *v.* 842

Page
Florida; Brock *v.* 1158
Florida; Brown *v.* 844,1034
Florida; Butler *v.* 852,886
Florida; Calhoun *v.* 895
Florida; Carter *v.* 1197
Florida; Cepero *v.* 983
Florida; Corbitt *v.* 911
Florida *v.* Correll 1187
Florida; Denis *v.* 979
Florida; Dupree *v.* 890
Florida; Fonseca *v.* 899
Florida; Ford *v.* 1051
Florida *v.* Georgia 972,1021
Florida; Gonzalez *v.* 880,1196
Florida; Gosciminski *v.* 830
Florida; Grant *v.* 865
Florida; Hackley *v.* 1093
Florida; Haliburton *v.* 801
Florida; Hamilton *v.* 849
Florida; Harris *v.* 1171
Florida; Horner *v.* 1171
Florida; Johnson *v.* 821,896
Florida; Kendrick *v.* 1169
Florida; Kormondy *v.* 1112,1118
Florida; Lambrix *v.* 866
Florida; Levitan *v.* 1018,1143
Florida; Llovera *v.* 1070
Florida; Llovera-Linares *v.* 901
Florida; Lundberg *v.* 1179
Florida; Magrini *v.* 1065,1203
Florida; Massie *v.* 1172
Florida; Matthews *v.* 855
Florida; McCourt *v.* 895
Florida; McCoy *v.* 840
Florida; Morales *v.* 977
Florida; Mosier *v.* 981
Florida; Nelson *v.* 1033
Florida; Noble *v.* 868,879
Florida; Nunn *v.* 848
Florida; Parker *v.* 884
Florida; Paul *v.* 996
Florida; Persaud *v.* 1124
Florida; Price *v.* 834
Florida; Rembert *v.* 1014

Page
Florida; Rivera *v.* 997
Florida; Rogers *v.* 962
Florida; Rourk *v.* 1169
Florida; Sharife *v.* 911,1044
Florida; Shea *v.* 1165
Florida; Silverthorne *v.* 1062
Florida; Smith *v.* 1029,1174
Florida; Steiner *v.* 1083
Florida; Stewart *v.* 907,1015
Florida; Thomas *v.* 918
Florida; Wilcox *v.* 1161
Florida; Williams *v.* 836,911,1044
Florida; Wilson *v.* 877
Florida; Woodward *v.* 1156
Florida; Wright *v.* 1168
Florida Bar; Committe *v.* 917
Florida Bar; Marr *v.* 1093
Florida Bar; Norkin *v.* 827
Florida Bar; Spano *v.* 828
Florida Bar; Williams-Yulee *v.* 1024
Florida Bd. of Bar Examiners; I. R. E. *v.* 807
Florida Bd. of Bar Examiners; S. Y. H. *v.* 1016
Florida Bd. of Dental Examiners; I. R. E. *v.* 1027
Florida Dept. of Children and Families; D. C. M. *v.* 1138
Florida Dept. of Children and Families; D. D. *v.* 852
Florida Dept. of Corrections; Brown *v.* 948
Florida Dept. of Corrections; Fernandez *v.* 865
Florida Dept. of Corrections; James *v.* 1195
Florida Dept. of Corrections; Martin *v.* 1138
Florida Dept. of Corrections; McCutcheon *v.* 1165
Florida Dept. of Corrections; Pimental *v.* 980,1186
Florida Dept. of Corrections; Ramos *v.* 1168
Florida Dept. of Corrections *v.* Rodriguez 1122
Florida Dept. of Environmental Protection; Potter *v.* 825
Florida Dept. of Financial Services; Hunter *v.* 930
Florida Dept. of Revenue; Seminole Tribe of Fla. *v.* 1074
Florida Entertainment Mgmt., Inc.; Herb Reed Enterprises, LLC *v.* 815
Florida Parole Comm'n; Jones *v.* 1016
Florimonte *v.* Scranton Label, Inc. 1191
Florimonte *v.* Scranton Laminated Label, Inc. 1191
Flowers *v.* Pennsylvania 901
Fludd *v.* LaValley 1176
Fluker *v.* St. Patra 804
Flynn *v.* California 1196

Page
Fofanah *v.* United States 1176
Fogal; Benchoff *v.* 1162
Fogle *v.* Gonzales 1139
Foley *v.* Morgan Stanley Smith Barney, LLC 974
Foley *v.* White 1082
Folina; Harvey *v.* 903
Folino; Flores Texidor *v.* 1033
Folino; Harvey *v.* 903,1056
Folino; Santiago *v.* 858
Folk *v.* United States 1100
Fonseca *v.* Florida 899
Food Lion, LLC; Dean Foods Co. *v.* 1011
Foote *v.* Moniz 811,1029
Fopma; Stampone *v.* 1058
Ford, *In re* 1073
Ford *v.* Collins 839
Ford *v.* Florida 1051
Ford *v.* Lemke 866
Ford *v.* McCall 899
Ford *v.* McDonald 971,1157
Ford *v.* Surprise Family Urgent Care Center, LLC 1163
Ford *v.* United States 853,915,1054
Foreman *v.* United States 1037
Forest Preserve Dist. of Cook County, Ill.; Campbell *v.* 1074
Forte *v.* United States 1181
Fortres Grand Corp. *v.* Warner Bros. Entertainment, Inc. 1108
Fortune *v.* Oklahoma 862
Fortune *v.* Virginia 1196
Fort Worth Police Dept.; Madu *v.* 995
Foshager *v.* District of Columbia Bd. of Elections and Ethics . . . 988
Foss *v.* Martell 942
Foster; Frey *v.* 1196
Foster *v.* Hobbs 900
Foster; Jackson *v.* 1018
Foster *v.* Pitney Bowes Corp. 868,1055
Foulk; Aitang See *v.* 891
Foulk; Alcantara *v.* 893
Foulk; Angel Sandoval *v.* 832
Foulk; Chavez *v.* 859
Foulk; Jaimes *v.* 978
Foulk; Jones *v.* 894,1110
Foulk; Mariscal *v.* 849
Foulk; Saldana *v.* 895
Foulk; Smith *v.* 918

Page
Foulk; Thae Lee *v.* 835
Foulks *v.* United States 889
4G Cos.; Aaes *v.* 959
Fourstar *v.* Decon 902
Fourstar *v.* Farley 902
4.360 Acres of Land, Renville Cty. *v.* Alliance Pipeline L. P. 873
Fowler *v.* California 977
Fox *v.* Fox 1075
Fox *v.* Georgia Dept. of Labor 916
Fox; Koplik *v.* 1028
Fox *v.* United States 850
Francis *v.* Holder 867
Francis *v.* Solis 978
Francisco Nevarez *v.* Ducart 914
Franco Garza *v.* Stephens 1193
Francois; Gillette *v.* 1048
Franco-Murillo *v.* United States 1052
Frank *v.* California 937
Frank *v.* Walker 929
Frankel; Scott *v.* 874
Franklin; Bowie *v.* 896
Franklin *v.* Burr 899
Franklin *v.* Department of Veterans Affairs 1034,1187
Franklin *v.* GMAC Mortgage 978
Frappier *v.* Countrywide Home Loans, Inc. 827
Fratta *v.* Texas 936,1067
Frauenheim; Quilopras *v.* 889
Frauenheim; Ramirez *v.* 1162
Frauenheim; Witkin *v.* 844,1043
Frazier; Brown *v.* 860
Frazier *v.* Raemisch 1161
Frazier *v.* United States 903,968
Frazier *v.* Woods 1171
Freeland *v.* Tennessee 1169
Freeman *v.* Director of N. J. Div. of Alcoholic Beverage Control 820
Freeman; Grain Processing Corp. *v.* 1026
Freeman *v.* Sullivan 1043
Freeman *v.* United States 947,1181
Freeze; Decherd *v.* 992
Freidman and Schuman, P. C.; Groeber *v.* 977
French *v.* Allegany County 979
French *v.* McLean 951
French *v.* United States 944
Frescas *v.* United States 857

Page

Freshwater *v.* Mount Vernon City School Dist. Bd. of Ed. 816
Frey *v.* Environmental Protection Agency 993
Frey *v.* Foster 1196
Friel; Talley *v.* 1164
Friends of Amador County; Crabtree *v.* 1046
Friends of Amador County *v.* Jewell 1027
Frilando *v.* United States 900
Frink; Doyle *v.* 847
Frink; Ulrich *v.* 845
Frith *v.* North Dakota Workforce Safety and Ins. 1027,1125
Frontier Enterprises, Inc.; Roby *v.* 940
Frost, *In re* 1008
Frost; Glebe *v.* 21
Frye *v.* Raemisch 1087
Fuller *v.* Tedford 903
Fuller *v.* United States 915
Fulmer *v.* Buxenbaum 882
Fulton *v.* United States 892,999
Fusco *v.* United States 1028
G. *v.* California 1175
G.; J. L. B. *v.* 826
G. *v.* Montana Dept. of Public Health and Human Servs. 1087
Gabor *v.* United States 1002
Gabriel *v.* United States 910
Gaffney, *In re* 812,1066
Gaffney *v.* Bishop 1015
Gagnard *v.* Goldman 1013
Gaines *v.* California 1172
Gains; Allen *v.* 841
Gaitor *v.* United States 868
Gallant *v.* United States 925
Gallardo, *In re* 813,1143
Gallardo *v.* California 901
Gallegos *v.* Miller 868
Gallegos-Sanchez *v.* United States 1053
Galloway *v.* United States 888
Galvin *v.* Curtin 1063
Gamble *v.* United States 1026
Gamez *v.* Horne 999
Gant *v.* United States 924
Garcia *v.* Atkinson 998
Garcia; Escobar *v.* 1073
Garcia *v.* Grounds 942
Garcia *v.* Stephens 1193

Page
Garcia *v.* Texas 1012
Garcia *v.* United States 849,862,888,915,1000,1082,1095,1142
Garcia-Carrillo *v.* United States 1014
Garcia-Cobian *v.* United States 1098
Garcia Flores *v.* McDonald 862
Garcia-Gonzalez *v.* United States 849
Garcia-Martinez *v.* United States 854
Garcia Rodriguez *v.* Runnels 950
Garcia-Rodriguez *v.* United States 886
Garcia-Vasquez *v.* United States 984
Garcia-Velasquez *v.* United States 1181
Garcon *v.* United States 1141
Garding *v.* Montana 863
Gardner *v.* Tucker 904
Garey *v.* United States 1132
Garfias *v.* Texas 937
Garibay *v.* King 1034
Garmong *v.* Chapter 7 Trustee 819
Garmong *v.* Rogney and Sons Construction 976
Garmong *v.* Silverman, Decaria & Kattelman, Chtd. 819
Garner *v.* Tennessee 980
Garrett *v.* Minnesota 826
Garries *v.* United States 964
Garris *v.* Cassady 842
Garrison *v.* United States 1001
Garvin *v.* United States 987
Garza *v.* Arizona 1161
Garza *v.* Stephens 1193
Garza *v.* United States 860,1098,1171
Garza-Mendez *v.* United States 829
Gaspar Martinez *v.* Texas 855
Gaston *v.* California 1197
Gates; Ameur *v.* 1123
Gates *v.* Rogers 899,1203
Gateway Healthcare; Pelumi *v.* 1167
Gatling *v.* United States 1183
Gatzaros *v.* Sault Ste. Marie Tribe of Chippewa Indians 1155
Gause *v.* Haile 824
Gay; Ashbaugh *v.* 1192
Gay; Branson *v.* 1083
Gaytan *v.* United States 944
G & C Land *v.* Farmland Management Services 1157
Ge *v.* Takeda Pharmaceutical Co. Ltd. 814
GECMC 2007 C–1 Burnett Street, LLC; Hoti Enterprises, L. P. *v.* 825

Page
Gelboim *v.* Bank of America 405
Geller *v.* Patent and Trademark Office 1073
General Bd. of Pension & Health Benefits of the UMC; Johnson *v.* 840
General Cigar Co., Inc. *v.* Cubatabaco 1153
General Cigar Co., Inc. *v.* Empresa Cubana del Tabaco 1153
General Dynamics; Ishutkina *v.* 827
General Electric Co.; Wilkins *v.* 924
General Motors Corp.; Ware *v.* 841
General Services Administration; Gregory *v.* 1017
Generations Adoptions; Cole *v.* 1150
Genesee Intermediate School Dist.; Hudson *v.* 1138
Genis *v.* Powers 1089
GEO Group, Inc.; Ballard *v.* 1016
GEO Group, Inc.; Ray *v.* 1027
George; Robicheaux *v.* 1108
George *v.* United States 892
George E. Fern Co.; Phox *v.* 1024
George Fox Univ.; Dauven *v.* 1090
Georgia; Brown *v.* 975
Georgia; Cobble *v.* 846
Georgia; Florida *v.* 972,1021
Georgia; Gibbs *v.* 820
Georgia; Harris *v.* 937
Georgia; Hicks *v.* 1171
Georgia; Lara Martinez *v.* 1051,1187
Georgia; McKinney *v.* 1166
Georgia; Mitchell *v.* 961
Georgia; Napper *v.* 1163
Georgia; Ross *v.* 1164
Georgia; Shields *v.* 1033
Georgia; Smith *v.* 934
Georgia; Stevens *v.* 832
Georgia; Woodall *v.* 846
Georgia Dept. of Juvenile Justice; Mealing *v.* 1126
Georgia Dept. of Labor; Fox *v.* 916
Georgia-Pacific Corp.; Moore *v.* 879
Gerhard *v.* United States 998
Gerick *v.* United States 998
Germain *v.* Shearin 880
Germaine *v.* Arnold 937
Gerratana; Traylor *v.* 978
Gettysburg Area School Dist.; Monn *v.* 974
Gevo, Inc. *v.* Butamax Advanced Biofuels LLC 1133
Ghane; Mid-South Institute of Self Defense Shooting, Inc. *v.* 821

Page
Ghashiyan *v.* Hines 805
Ghosh *v.* Berkeley 824
Gibbs *v.* Georgia 820
Gibbs *v.* United States 989,1072,1093
Giddens *v.* Qualls 864
Giddens *v.* United States 1171
Gidley; Al-Shimary *v.* 903
Gilbert *v.* Donahoe 873
Gilbert *v.* Ohio 865
Gilbert; Reed *v.* 1059
Gilbrook *v.* Crews 866,1186
Gilchrist *v.* U. S. Court of Appeals for Veterans Claims 971
Giles *v.* California 1140
Gill; Gowdy *v.* 923
Gillenwater *v.* United States 890,1002,1067
Gillette *v.* Francois 1048
Gilley *v.* Texas 830
Gilliam *v.* United States 862
Gillman *v.* Jones 1198
Gillman; StoneEagle Services, Inc. *v.* 992
Ginsel; Nickerson *v.* 957
Gipson; Guevara *v.* 854
Gipson; Herrera *v.* 900
Gipson *v.* Janecka 867
Gipson; Paniagua *v.* 1137
Giroux; Lavelle *v.* 907
Gissendaner *v.* Seaboldt 862
Givens *v.* United States 1202
Gladden *v.* Blount County 1162
Gladney, *In re* 813
Glaser *v.* Denver 838,1186
Glass *v.* California 893
Gleason *v.* Dingus 877
Gleason *v.* Kansas 1139
Glebe *v.* Frost 21
Glenmark Generics, Inc., USA *v.* Sanofi-Aventis Deutschland . . . 1054
Glenmark Pharm. Inc., USA *v.* Sanofi-Aventis Deutschland 1054
Glenn *v.* United States 923
Glenn-Colusa Irrigation Dist. *v.* Nat. Res. Defense Council 1011
Global Aerospace, Inc.; Lima Delta Co. *v.* 826
Global Hyatt Corp.; Siegel *v.* 816
Glossip *v.* Gross 1133,1143
Glover *v.* Reese 1028
Glunt; Pew *v.* 1170

Page
Glunt; Taylor *v.* 856
GMAC Mortgage; Franklin *v.* 978
GMAC Mortgage, LLC; Farkas *v.* 875
Gobeille *v.* Liberty Mut. Ins. Co. 1059
GoDaddy.com, Inc.; Petroliam Nasional Berhad *v.* 815
Godinez; Bealer *v.* 1014
Godwin *v.* United States 997
Goetz *v.* Strickland 851,1143
Goffer *v.* United States 831
Goings *v.* Sumner County District Attorney's Office 1046,1137
Goins *v.* Lazaroff 824
Golb *v.* New York 1079
Goldader *v.* Clarke 912
Goldblatt *v.* Kansas City 1119
Golden *v.* Shearin 865,1109
Goldendale; Miller *v.* 848
Goldman; Gagnard *v.* 1013
Goldman Phipps, PLLC *v.* Downing 1159
Goldman, Sachs & Co.; Reno *v.* 991
Goldman Sachs Mortgage Corp.; Nixon *v.* 809
Goldsmith *v.* California 1048
Gomez *v.* United States 900,918,1103
Gomez-Gomez *v.* United States 857
Gomez-Jimenez *v.* United States 944
Gongocky; Talley *v.* 1084
Gonsalvez *v.* Celebrity Cruises, Inc. 816
Gonzales *v.* Bravo 995,1186
Gonzales; Fogle *v.* 1139
Gonzales; New York *v.* 973
Gonzales; Patkins *v.* 840,1020
Gonzales Gallegos *v.* Miller 868
Gonzales-Robles *v.* United States 920
Gonzalez *v.* Davis 897
Gonzalez *v.* Ducart 1064
Gonzalez *v.* Florida 880,1196
Gonzalez *v.* Grounds 900
Gonzalez *v.* Kenney 1169
Gonzalez *v.* Ryan 822
Gonzalez *v.* United States 919,925,985,998,1054
Gonzalez-Arreola *v.* United States 944
Gonzalez-Balderas *v.* United States 1099
Gonzalez-Chavez *v.* United States 984
Gonzalez-Heredia *v.* United States 890
Gonzalez-Meza *v.* United States 1182

Page
Gonzalez Perez *v.* United States 986
Gonzalez-Ruiz *v.* United States 964
Good *v.* Berghuis 1137
Goodman *v.* Muse 865
Goodman *v.* United States 1202
Goodnis *v.* Harris 1012
Goodrich *v.* United States 858
Goodrich; Yan Sui *v.* 1046,1081
Goodson-Hudson *v.* United States 1103
Goodwill *v.* Rapelje 942
Goodwin, *In re* 1057
Goodwin; ASARCO LLC *v.* 1027
Goodwin; Black *v.* 843
Goodwin *v.* Lombardi 1057
Goodwin *v.* Missouri 1057
Goodwin *v.* Steele 1057
Goodwin *v.* United States 900
Google, Inc.; Ho Keung Tse *v.* 1156
Google, Inc. *v.* Oracle America, Inc. 1071
Google, Inc.; Specht *v.* 1028
Google, Inc. *v.* Vederi, LLC 1071
Gorbey *v.* Monongalia County 1188
Gordon *v.* Pliler 1162
Gordon *v.* Sanders 1176
Gorman *v.* Buchanan 865
Gorman *v.* JPMorgan Chase Bank N. A. 972,1071
Gosciminski *v.* Florida 830
Gosdin *v.* Stephens 980
Gosnell *v.* United States 1001
Gossage *v.* Department of Labor 972,1191
Gossage *v.* Office of Personnel Management 1150
Gosselin World Wide Moving *v.* United States *ex rel.* Bunk 819
Gottschalk *v.* San Francisco 837
Gould, *In re* 1120
Gould *v.* Stoicoff 1197
Governor of Alaska *v.* Hamby 951
Governor of Ariz. *v.* Arizona Dream Act Coalition 1067
Governor of Colo.; Brunsilius *v.* 1089
Governor of Colo.; Pandey *v.* 833,1066
Governor of Fla.; Kormondy *v.* 1112
Governor of Idaho *v.* Latta 929
Governor of Ky.; Bourke *v.* 1118
Governor of Mich.; DeBoer *v.* 1118
Governor of Mo.; Roberts *v.* 1161

Page
Governor of Pa.; Lerner *v.* 874
Governor of R. I.; Seguin *v.* 833
Governor of Tenn.; Moncier *v.* 1062
Governor of Tenn.; Tanco *v.* 1118,1120
Governor of Texas; Veasey *v.* 951
Governor of Utah *v.* Kitchen 874,931
Governor of Wis.; Frank *v.* 929
Governor of Wis. *v.* Wolf 876
Gowdy *v.* Gill 923
Gower; Johnson *v.* 1085
Gower; Terrell *v.* 1173
Gowers; Wessel *v.* 1138
Goyer *v.* United States 861
Grace; Washington *v.* 994
Gradney *v.* United States 917
Grady *v.* United States 806,863,873,1055
Graham; Danford *v.* 994
Graham; Kearney *v.* 1132
Graham *v.* State Farm Mut. Automobile Ins. Co. 1033
Graham *v.* United States 834
Grain Processing Corp. *v.* Freeman 1026
Granda *v.* United States 1176
Grandlienard; Buckingham *v.* 1178
Granger; Braverman *v.* 1027
Granjeno-Espanol *v.* United States 886
Granstrom *v.* Granstrom 1016
Grant *v.* Florida 865
Grant *v.* United States 920
Grassi *v.* Colorado 1014
Graven *v.* Obama 1033
Graven *v.* Sienicki 1063
Graves *v.* Deutsche Bank Securities, Inc. 1073
Graves *v.* Mathena 977
Graves *v.* United States 886
Gray *v.* Illinois 1088
Gray *v.* Mississippi 839
Gray *v.* New York City 1155
Gray; Rubio *v.* 1094
Gray *v.* Shedd 864
Gray *v.* Spearman 963
Gray *v.* United States 986
Grazzini-Rucki *v.* Rucki 1089,1203
Greater Cleveland Regional Transit Auth.; Warith *v.* 938
Great West Casualty Co.; Acceptance Casualty Ins. Co. *v.* 1012

Page
Green; Bruse *v.* 1194
Green *v.* JPMorgan Chase Bank, N. A. 871
Green *v.* United States 885,1182
Green *v.* United States Steel Corp. 818
Green *v.* Unwin 975
Greene *v.* Cooper 899
Greene; Dixon *v.* 1030
Greene *v.* United States 1201
Greenfield *v.* Deutsche Bank AG 1171
Greenhalgh *v.* Jones 1171
Greenleaf, *In re* 1009
Green Tree Servicing, LLC; Strausbaugh *v.* 1170
Gregory, *In re* 813
Gregory *v.* General Services Administration 1017
Gregory *v.* United States 999,1185
Grenier *v.* Colorado 1194
Gresham *v.* United States 879
Gretsch; Acqura Loan Services *v.* 1062
Gretsch; ClearSpring Loan Services, Inc. *v.* 1062
Greyhound Lines, Inc.; Phillips *v.* 1163
Gribben *v.* Crews 1017
Grier *v.* Washington 860
Griffin; Acosta *v.* 1032
Griffin *v.* Auterson 802
Griffin *v.* Beard 822
Griffin *v.* Longley 802
Griffin *v.* United States 868,976,1093
Griffin *v.* Wilson 1037,1203
Griffith *v.* New York 917
Grigsby *v.* United States 887
Grimes *v.* Barber 1033
Grimes *v.* Miami-Dade County 807
Grinnell, *In re* 812
Groeber *v.* Freidman and Schuman, P. C. 977
Grooms *v.* United States 998
Gross; Glossip *v.* 1133,1143
Gross *v.* Normand 1195
Gross; Sun Life Assurance Co. of Canada *v.* 1159
Gross; Warner *v.* 1112
Grossman Roth, P. A.; Barsorian *v.* 1076,1186
Grounds; Bonifacio Lopez *v.* 833
Grounds; Clarke *v.* 923
Grounds; Garcia *v.* 942
Grounds; Gonzalez *v.* 900

Page
Grounds; Hicks *v.* 1024,1125
Grounds; Johnson *v.* 962
Grounds; Kraemer *v.* 884,1056
Grounds; Patrick *v.* 1197
Grounds; Powell *v.* 984
Grove; Holkesvig *v.* 934
Groves *v.* United States 1006,1112
Grubbs *v.* United States 950
G2 Secure Staff, LLC; Ayele *v.* 905
Guadalupe Sanchez *v.* United States 1036
Guadarrama *v.* United States 882
Guam; Enriquez *v.* 961
Guerrero *v.* Stephens 1087
Guerrero *v.* United States 1096
Guevara *v.* Gipson 854
Guillermo Sanchez *v.* United States 999
Gumbs *v.* New York 857
Gumbs *v.* United States 884
Gunkle *v.* Commissioner 1157
Gupta *v.* Securities and Exchange Comm'n 1077
Gupta; Tathagat *v.* 807
Gustama *v.* United States 894
Guthrie; Credico *v.* 1045
Gutierrez *v.* United States 916,1036
Gutierrez De Lopez *v.* United States 1053
Gutierrez-Mendez *v.* United States 915
Gutraj *v.* Illinois Dept. of Financial and Professional Regulation 822
Guttierrez; Juan Acevedo *v.* 1032
Guttierrez; Quintana *v.* 1032
Guy *v.* Soto 1196
Guy *v.* Vilsack 1053
Guzman Correa *v.* United States 1017
Guzman Zuniga *v.* Stephens 807
Gwinnett County School Dist.; A. K. *v.* 836
H.; D. M. *v.* 819
H. *v.* Florida Bd. of Bar Examiners 1016
H. *v.* Minnesota 885
Haag, *In re* 950
Haas; Ata *v.* 1084
Haas; Mitchell *v.* 938,1110
Haas; Plummer *v.* 964
Haas; Whaley *v.* 981
Haase *v.* Countrywide Home Loans, Inc. 957,1049
Haase *v.* Patent and Trademark Office 811,1029

Page
Haase *v.* Pearl River Polymers, Inc. 810,1028
Hackett *v.* United States 1201
Hackler *v.* United States 984
Hackley *v.* Florida 1093
Haddad *v.* United States 916
Hagan *v.* Kentucky 1171
Hagans *v.* United States 999
Hagel; Al-Maqaleh *v.* 808,1068
Hagel; Jennings *v.* 803
Hagen; Moral *v.* 932
Hagos *v.* Raemisch 878
Hahn *v.* Walsh 1156
Haile; Gause *v.* 824
Haines *v.* Arthur E. Lange Revocable Trust 874
Haines *v.* United States 984
Hairston *v.* Holloway 1071
Hairston *v.* Pennsylvania 863
Hairston *v.* Samuels 1022,1120
Haith *v.* United States 944
Hajek *v.* California 1160
Hakimi *v.* United States 850
Hale *v.* Stephens 1082
Hale *v.* United States 1159
Hale *v.* Wallace 1063
Hales Corners; Adams *v.* 876
Haliburton *v.* Florida 801
Hall *v.* Daniels 950
Hall *v.* Kirby 899
Hall *v.* Merit Systems Protection Bd. 976
Hall *v.* Texas 1051
Hall *v.* United States 909,916
Hall; Yarn *v.* 1178
Hallahan *v.* United States 1000
Haller *v.* Michigan 1195
Hallman *v.* United States 987
Halstead *v.* Craig 982
Ham *v.* Maryland Dept. of Public Safety and Corr. Servs. 990,1081
Ham *v.* Metropolitan Police Dept. 1035
Hamby; Parnell *v.* 951
Hamilton *v.* Florida 849
Hamilton; Karmatzis *v.* 977
Hamiltonhausey *v.* Beard 980
Hammer *v.* Sam's East, Inc. 1135
Hammett *v.* United States 849

Page
Hammond *v.* Alabama 900
Hammonds *v.* United States 1002
Hampton *v.* Schwochert 902
Hampton *v.* United States 974,1141
Hana Bank; Hana Financial, Inc. *v.* 418,1009
Hana Financial, Inc. *v.* Hana Bank 418,1009
Hands *v.* United States 944
Hanford-Southport, LLC *v.* San Antonio 1077
Hankton *v.* Louisiana 881
Hanna *v.* Maxwell 843
Hanna *v.* United States 947
Hanover Ins. Co.; Northern Building Co. *v.* 875,1043
Hansen *v.* Stephens 832
Han Yong Kim *v.* U. S. District Court 960
Harden *v.* Porter 1194
Hardy, *In re* 812,1186
Hardy *v.* Colvin 895
Harges *v.* United States 1003
Hargis Industries, Inc.; B&B Hardware, Inc. *v.* 1009
Hargrove *v.* United States 916
Hargus *v.* West Virginia 832
Harignordoquy *v.* Barlow 817
Harlow; Kimbrough *v.* 836
Harned *v.* Taylor 895
Harns; Premo *v.* 1066
Haro; Los Angeles *v.* 824
Harp *v.* Curtin 963
Harp; Vuyyuru *v.* 976
Harper *v.* Donehue 898
Harper; Fate *v.* 822
Harper *v.* Kerestes 1063
Harper *v.* McCloud 1051
Harper *v.* Stephens 937
Harrell *v.* Wilson 1140
Harriman *v.* Stephens 832,866
Harrington; Edmonson *v.* 836
Harrington; Saterfield *v.* 900
Harrington; Wilson *v.* 1124
Harris; Association des Eleveurs de Canards et d'Oies du Quebec *v.* 932
Harris *v.* Burt 1063
Harris *v.* Caldwell 1079
Harris *v.* Carpenter 862
Harris *v.* Change, Inc. 810
Harris; Fischer *v.* 1031

Page
Harris *v.* Florida 1171
Harris *v.* Georgia 937
Harris; Goodnis *v.* 1012
Harris *v.* Hasse 878
Harris *v.* Illinois 937
Harris; Jackson *v.* 1185
Harris; Kellogg Brown & Root Services, Inc. *v.* 1120
Harris *v.* Lykos 1063
Harris *v.* McSwain 866
Harris; Moore *v.* 807
Harris *v.* New Jersey 866
Harris *v.* New York 893
Harris; PAC Anchor Transportation, Inc. *v.* 1153
Harris *v.* Serpas 823
Harris *v.* Texas 1080
Harris *v.* United States 829,849,910,1098,1181,1186
Harris *v.* Viegelahn 1058
Harris *v.* Virginia 1196
Harris *v.* Ybarra 942,1044
Harris, N. A.; Aleshire *v.* 809,1025,1186
Harrison *v.* Daniels 938
Harrison *v.* United States 1065
Harrison *v.* Woodward 801
Harris-Thompson *v.* United States 965
Hart; Dixon *v.* 1084
Hart *v.* Stephens 937
Hart *v.* United States 888
Hartley; Mendez *v.* 1083
Hartley *v.* United States 884
Hartman, *In re* 811,1047,1186
Hartman *v.* Bank of N. Y. Mellon 809,1011
Harvest Institute Freedmen Federation *v.* United States 922
Harvey *v.* Folino 903,1056
Harvey *v.* Jones 1087
Hasan *v.* Department of Labor 821,934
Haschenburger *v.* Kelly 978
Hasher *v.* New Jersey 1088
Haslam; Moncier *v.* 1062
Haslam; Tanco *v.* 1118,1120
Hassan *v.* United States 861
Hasse; Harris *v.* 878
Hastings; Stevens *v.* 1179
Hastings; Williams *v.* 814
Hatcher *v.* United States 801

Page
Hatchigian *v.* State Farm Ins. Co. 1158
Hatley *v.* United States 883
Haugen; Vimont *v.* 1156
Hawkins, *In re* 812
Hawkins *v.* Community Bank of Raymore 1190
Hawkins *v.* Horal 917
Hawkins *v.* Norman 962
Hawkins *v.* United States 806
Hawthorne *v.* California 828
Hayden *v.* United States 1018
Hayes *v.* Hile 937
Hayes *v.* Minaj 923,1020
Haynes, *In re* 813
Haynes; Watkins *v.* 804
Haynesworth *v.* United States 1126
Headen, *In re* 812
HealthBridge Management, LLC *v.* Kreisberg 1066
Health Care Service Corp.; McDonald *v.* 1195
Healy *v.* United States 1018
Hearn *v.* Board of Supervisors of Hinds County 1061,1186
Hearn *v.* Owens 1026
Hear-Wear Technologies, LLC; K/S HIMPP *v.* 1157
Heath *v.* Justices of Supreme Court, New York County 821
Heath *v.* United States 998
Hecke *v.* United States 1055
Hector *v.* Fargo 874
Hedrick, *In re* 1151
Heffernan *v.* Arlington County Dept. of Human Services 849
Heffner *v.* Murphy 871
Heidle; Nichols *v.* 1025
Heidorn; Luckett *v.* 1162
Heien *v.* North Carolina 54
Heinze *v.* Texas 1063
Hemphill *v.* Neely 865
Henderson *v.* Lewis 1065
Henderson *v.* Stephens 880
Henderson *v.* United States 903,958,1028
Hendrickson; Kingsley *v.* 1119
Hendrix *v.* United States 1099
Henh Chu Ngo *v.* Holloway 836
Henix *v.* Rapelje 839
Henry *v.* United States 868
Hensley *v.* Roden 1086
Henson *v.* Lew 867

Page
Herald *v.* Steadman 1073
Herbert *v.* Kitchen 874,931
Herb Reed Enterprises, LLC *v.* Florida Entertainment Mgmt., Inc. 815
Heredia *v.* Martel 811
Herman *v.* United States 1181
Hernandez *v.* Biter 900
Hernandez *v.* United States 805,886,1002,1141,1185
Hernandez-Alvarez *v.* United States 1174
Hernandez-Arias *v.* United States 1092
Hernandez-Estrada *v.* United States 1029
Hernandez-Flores *v.* United States 936
Hernandez-Garcia *v.* United States 1201
Hernandez-Navarro *v.* United States 857
Hernandez-Reyes *v.* United States 936
Hernandez Rodriguez *v.* United States 854
Hernandez-Samario *v.* United States 1177
Herndon; Phillips *v.* 1031
Herrada-Gonzalez *v.* Nevada 1172
Herrera *v.* Gipson 900
Herrera *v.* Texas 820
Herrera *v.* United States 899
Herrera-Lugo *v.* United States 984
Herriott *v.* Herriott 923,1042
Hershberger; Hill *v.* 937
Hersman *v.* United States 1192
Hewitt *v.* United States 1201
Heximer *v.* Woods 839,1203
Hickenlooper; Brunsilius *v.* 1089
Hickenlooper; Pandey *v.* 833,1066
Hickey *v.* Scott 1062
Hickingbottom *v.* Brown 867
Hickman *v.* Hickman 1063,1187
Hickman *v.* Texas 937
Hickmon *v.* Holder 1058,1070
Hicks *v.* Georgia 1171
Hicks *v.* Grounds 1024,1125
Hicks *v.* Hudson Ins. Co. 936
Hien Anh Dao, *In re* 813
Higgingbottom; Lavergne *v.* 983,1111
Higgins *v.* United States 916
Highbourne Foundation; National Heritage Foundation, Inc. *v.* 1076
Highsmith *v.* MacFadyen 1045
Hilario *v.* English 916
Hildebrand *v.* Allegheny County 1152

Page
Hildes; Moores *v.* 814
Hile; Hayes *v.* 937
Hi-Lex Controls, Inc.; Blue Cross Blue Shield of Mich. *v.* 959
Hill, *In re* 1023,1143
Hill *v.* Chatman 1143
Hill *v.* Hershberger 937
Hill *v.* Illinois 862
Hill *v.* Jones 1169
Hill *v.* Owens 980
Hill; Phelps *v.* 807
Hill; Quillar *v.* 1200
Hill; Ramey *v.* 978,1110
Hill *v.* Robinson 1170
Hill *v.* United States 916,1080
Hill; Ware *v.* 880
Hill-Rom Services, Inc.; Stryker Corp. *v.* 1041
Hill-Rom Services, Inc.; Stryker Medical *v.* 1041
Hillsboro; Weaving *v.* 1191
Hillside Metro Associates, LLC *v.* JPMorgan Chase Bank, N. A. 1152
Hilton *v.* McCall 1125
Hilton Head Island; Kigre, Inc. *v.* 1076
Himchak *v.* Pennsylvania 810,989
Hinchliffe *v.* Wells Fargo Bank 867,1067
Hines; Al Ghashiyan *v.* 805
Hines; Khan *v.* 805
Hinkle; LordMaster *v.* 1175
Hinojosa *v.* United States 1176
Hinton *v.* McDonald 960
Hinton *v.* United States 1176
Hiramanek, *In re* 1152
Hiramanek *v.* Harimanek 1138,1163
Hirsch *v.* Northwest Farm Credit Services 896,1044
Hirsch *v.* Vermont Bd. of Bar Examiners 810,990,1013
Hitchcock *v.* Crews 939,1056
Hithon *v.* Tyson Foods, Inc. 1028
Hoang *v.* Colorado 894
Hoang Nguyen *v.* United States 1036
Hobart Corp. *v.* Waste Management of Ohio, Inc. 1122
Hobbs; Eubanks *v.* 1121
Hobbs; Foster *v.* 900
Hobbs; Holt *v.* 352
Hobbs; Hutchinson *v.* 939
Hobbs; Jackson *v.* 887
Hobbs; McArty *v.* 1125

Page
Hobbs; Phillips *v.* 1087
Hobbs; Plunk *v.* 1092
Hobbs; Quezada *v.* 1095
Hobbs; Smith *v.* 964,997,1032
Hobbs *v.* United States 902
Hobbs; Williamson *v.* 896,1044
Hobgood; Justice *v.* 1178
Hobgood *v.* Mississippi Power Co., Inc. 936
Hock *v.* DuPage Circuit Court Clerk Office 843
Hocker *v.* Pikeville City Police Dept. 817
Hodge; Jones *v.* 803
Hodge *v.* Oakland Unified School Dist. 992
Hodge; Van Tassel *v.* 991
Hodges *v.* Dowling 1063
Hodges; Obergefell *v.* 1118
Hodges *v.* Soto 1197
Hoffler *v.* Jacon 868
Hoffman *v.* Cain 1122
Hoffmann-La Roche Inc. *v.* Apotex Inc. 1062
Hoffner; Daniels *v.* 996
Hofland *v.* Story 900
Hogan; Knapp *v.* 815
Hogg *v.* California 849
Ho Keung Tse *v.* Google, Inc. 1156
Holbach *v.* North Dakota 984
Holbrook *v.* Ronnies LLC 895,1044
Holbrook *v.* Ronny's RV Park 895,1044
Holcomb *v.* Arizona 1196
Holder; Abubakar *v.* 1089
Holder; Agim *v.* 807
Holder; Antropova *v.* 1026
Holder; Arreguin *v.* 1048
Holder; Askew *v.* 838
Holder; Ayor *v.* 933
Holder; Beltranena *v.* 992
Holder; Bera *v.* 817
Holder; Blum *v.* 991
Holder; Braithwaite *v.* 829
Holder; Cade *v.* 824
Holder; Campbell *v.* 835
Holder; Charran *v.* 893,1056
Holder; Coates *v.* 1173
Holder; Cordova-Soto *v.* 819
Holder; De La Cruz *v.* 897

Page
Holder; F. H.-T. *v.* 815
Holder; Francis *v.* 867
Holder; Hickmon *v.* 1058,1070
Holder; Hutchinson *v.* 829
Holder; Khan *v.* 872
Holder; Ladeairous *v.* 1141
Holder; Linton *v.* 1165
Holder; Lomeli *v.* 1016
Holder; Mahmud *v.* 1033
Holder; Milat *v.* 1136
Holder *v.* Mississippi 942
Holder; Najarro-Ramirez *v.* 811
Holder; Nichols *v.* 824
Holder; Opoku-Bamfo *v.* 1197
Holder; Pierre *v.* 816
Holder; Qiu Jin Li *v.* 872
Holder; Quijada Coronado *v.* 1190
Holder; Reyes Mata *v.* 1118
Holder; Rivas *v.* 1155
Holder; Rocha-Ayala *v.* 826
Holder; Rodriguez-Castellon *v.* 933
Holder; Roosevelt *v.* 835
Holder; Simmons *v.* 1173
Holder; Thomas *v.* 1173
Holder; Whiteley *v.* 1013
Holder; Williams *v.* 835
Holder; Xun Xing Liang *v.* 817
Holder; Zavaleta-Ramirez *v.* 1191
Holder; Zoubairi *v.* 1191
Holkesvig *v.* Grove 934
Holley *v.* Padula 865
Hollingsworth; Navar *v.* 925
Hollingsworth; Podlog *v.* 1185
Holloway, *In re* 1190
Holloway; Hairston *v.* 1071
Holloway; Henh Chu Ngo *v.* 836
Holloway; Sherwood *v.* 1015
Holloway *v.* United States 1000
Holloway *v.* U. S. District Court 879,1186
Holman *v.* United States 1100
Holmes *v.* Colorado Coalition for the Homeless Disability Plan . . 1153
Holmes; Davis *v.* 983
Holmes *v.* United States 1000
Holmich *v.* United States 1121

Page
Holsey, *In re* 1056
Holsey *v.* Chatman 1057
Holt *v.* California 899
Holt *v.* Hobbs 352
Holyfield-Vega *v.* United States 827
Holz *v.* Oliver 1185
Home Capital, Inc.; Keiran *v.* 1119
Home Depot; Williams *v.* 821
Honaker *v.* United States 946
Honesto *v.* California 804
Hon Keung Tse *v.* Biter 1083
Hood *v.* Sandmann 832
Hook *v.* Chandler 865
Hooper *v.* McDaniel 964
Hoops; Brown *v.* 842
Hoover *v.* United States 915
Hopkins *v.* United States 1042
Horal; Hawkins *v.* 917
Hornback *v.* United States 825
Horne; Carrasco Gamez *v.* 999
Horne *v.* Department of Agriculture 1118
Horner *v.* Florida 1171
Horowitz, *In re* 1008
Horton *v.* Butler 916
Horton *v.* Clarke 1194
Horton *v.* Lamas 1034
Horton *v.* United States 850,1100
Hoti Enterprises, L. P. *v.* GECMC 2007 C–1 Burnett Street, LLC 825
House of Raeford Farms, Inc.; Barton *v.* 825
Houssels *v.* Pennsylvania 1154
Houston; DeCay *v.* 936
Houston; Nesbitt *v.* 913
Houston; Trail Enterprises, Inc. *v.* 922
Houston *v.* United States 917
Houston; Wilson Oil Co. *v.* 922
Houston *v.* Wright 864,1043
Houston Independent School Dist. Bd. of Trustees; Jones *v.* 1121
Hovarter *v.* California 867
Howard *v.* BNSF R. Co. 816
Howard *v.* Butler 1175
Howard *v.* Chatcavage 1087
Howard *v.* Corrections Corp. of America 1195
Howard; Dale *v.* 1137
Howard; Macy *v.* 1138

Page
Howard *v.* Outlaw 1170
Howard *v.* Tanner 1171
Howard *v.* United States 1103
Howell *v.* Buckeye Ranch, Inc. 1175
Howell *v.* Indiana 977,1110
Howell *v.* Michigan 900
Howell *v.* United States 946,999,1111
Hoyle *v.* United States 1073
HP Production Inc.; McDonald *v.* 1157
HSBC Bank USA; Kukuk *v.* 1090
HSBC Bank USA; Llerena-Molina *v.* 861,1055
HSBC Bank USA; Muhammad *v.* 927
Hsu *v.* California State Personnel Bd. 934
H.-T. *v.* Holder 815
Hu, *In re* 1190
Hu *v.* Department of Defense 840
Hubbard *v.* Lewis 1161
Hubbard *v.* St. Louis Psychiatric Rehabilitation Center . . . 810,990,1186
Hudson, *In re* 1009
Hudson *v.* Genesee Intermediate School Dist. 1138
Hudson *v.* Miller 1196
Hudson *v.* United States 809
Hudson Ins. Co.; Hicks *v.* 936
Huey *v.* Louisiana 1198
Huggins *v.* North Carolina Dept. of Administration 911
Hughes *v.* Epps 1080
Hughes *v.* Indiana 905
Hughes *v.* Kia Motors Corp. 1167
Hughes *v.* Texas 899
Hughes *v.* United States 1141
Huguely *v.* United States 915
Hull; Matthews *v.* 997,1111
Hullaby *v.* United States 946
Human Resources Administration; Clark *v.* 905
Humble *v.* Planned Parenthood Ariz., Inc. 1060
Hummel *v.* Texas 829
Humphrey; Bishop *v.* 817
Humphrey *v.* California 1196
Humphrey; Jones *v.* 1166
Humphrey *v.* United States 944
Humphreys; Stream *v.* 1092
Hunter *v.* Anderson 962
Hunter *v.* Brazelton 849
Hunter; Carroll *v.* 1122

Page
Hunter *v.* Clark 1063
Hunter *v.* District Court of Tex., Travis County 930
Hunter *v.* Florida Dept. of Financial Services 930
Hunter *v.* Parsons 1087
Hunter *v.* United States 931
Hunter MFG., LLP; MRC Innovations, Inc. *v.* 868
Huntley *v.* United States 1003
Hurles; Ryan *v.* 1041
Hurley *v.* Clarke 1014
Hurley *v.* Virginia 979
Hursey *v.* Klinesmith 1162
Hurst *v.* Lee County 1136
Hurtado *v.* United States 1181
Husband, *In re* 812,1010
Husband *v.* United States 865
Husten *v.* Minnesota 1175
Hutchinson *v.* Hobbs 939
Hutchinson *v.* Holder 829
Hutchinson *v.* United States 865
Hyde *v.* Tennessee 824
Hyles *v.* United States 947
Hymas *v.* United States 1001
Hynoski *v.* Atwood, Malone, Turner & Sabin 841,1043
Hyshaw *v.* Saint Francis Medical Center Medical Executive Comm. 1158
I. *v.* A. P. 1027
Ibarguen-Palacio *v.* United States 915
Ibarra *v.* California 996
Ibarra *v.* United States 1037
Ibarra Rivera *v.* Los Angeles County 1061
Idaho; Dunlap *v.* 932
Idaho; Smith *v.* 805
Iheme *v.* Smith 998
Ikharo *v.* DeWine 886
Ilaw *v.* Daughters of Charity Health System, Inc. 1163
Illinois; Alberts *v.* 963
Illinois; Anderson *v.* 981,1169
Illinois; Boggan *v.* 1193
Illinois; Brooks *v.* 1015
Illinois; Brown *v.* 1173
Illinois; Busby *v.* 892
Illinois; Cabot *v.* 940
Illinois; Campbell *v.* 847
Illinois; Carnalla-Ruiz *v.* 847
Illinois; Colquitt *v.* 829

Page
Illinois; Cregan *v.* 963
Illinois; Croft *v.* 898
Illinois; Cullum *v.* 886
Illinois *v.* Davis 1026
Illinois; Degorski *v.* 938
Illinois; Dobbey *v.* 828
Illinois; Dungey *v.* 895
Illinois; Gray *v.* 1088
Illinois; Harris *v.* 937
Illinois; Hill *v.* 862
Illinois; Johnson *v.* 1030
Illinois; Kronenberger *v.* 1175
Illinois; Lopez *v.* 964
Illinois; Martinez *v.* 927
Illinois; Matlock *v.* 851
Illinois; McChriston *v.* 830
Illinois; McDonald *v.* 1098
Illinois; Mitchell *v.* 833
Illinois; Morris *v.* 858
Illinois; Norwood *v.* 940
Illinois; Owens *v.* 1194
Illinois; Patterson *v.* 832
Illinois; Phillips *v.* 1173
Illinois; Reese *v.* 1171
Illinois; Reeves *v.* 834
Illinois; Robinson *v.* 867
Illinois; Rogers *v.* 997
Illinois; Sanchez *v.* 863
Illinois; Snipes *v.* 946
Illinois; Stoller *v.* 1086
Illinois; Temple *v.* 1195
Illinois; Tuduj *v.* 1172
Illinois; Waldron *v.* 891
Illinois; Wilborn *v.* 896
Illinois; Willis *v.* 830
Illinois Attorney Registration and Discip. Comm'n; Amu *v.* 1136
Illinois Attorney Registration and Discip. Comm'n; Ditkowsky *v.* 822
Illinois Attorney Registration and Discip. Comm'n; Williams *v.* 959
Illinois Dept. of Corrections; Shields *v.* 1076
Illinois Dept. of Financial and Professional Regulation; Gutraj *v.* 822
Illinois Liquor Control Comm'n; Sheridan Liquors *v.* 1191
Illinois Liquor Control Comm'n; WISAM 1, Inc. *v.* 1191
Immigration and Customs Enforcement; Leybinsky *v.* 909
Immigration and Customs Enforcement; Ortega *v.* 814

Page
Inclusive Communities Project; Texas Dept. of Housing *v.* 1069
Indiana; Brewington *v.* 1077,1203
Indiana; Chaib *v.* 825
Indiana; Coates *v.* 1088
Indiana; Eisele *v.* 832
Indiana; Howell *v.* 977,1110
Indiana; Hughes *v.* 905
Indiana; Jones *v.* 935
Indiana; Knapp *v.* 1091
Indiana; Ojile *v.* 1087
Indiana; Taylor *v.* 1161
Indiana; Wood *v.* 874
Indianapolis; Adams *v.* 875
Indianapolis *v.* Annex Books, Inc. 820
Industrial Comm'n of Ariz.; Rockwell *v.* 871,1043
Infanti *v.* Scharpf 1077
Inglesias-Vasquez *v.* United States 947
Ingram *v.* California 1194
Ingram *v.* United States 848
Inhale, Inc. *v.* Starbuzz Tobacco, Inc. 1047
Inland Mortgage Capital Corp.; Chivas Retail Partners, LLC *v.* 820
Integrity Coal Sales, Inc.; A&G Coal Corp. *v.* 934
Integrity Staffing Solutions, Inc. *v.* Busk 27
Interfood, Inc.; Rice *v.* 869
Internal Revenue Service; Carlson *v.* 842
Internal Revenue Service; WorldCom, Inc. *v.* 815
International Business Machines Corp.; Chuan Wang *v.* 1108
International Trade Comm'n; Standard Furniture Mfg. Co., Inc. *v.* 1060
Intertek USA, Inc. *v.* Caribbean Petroleum Corp. 1137
Invesco; Manley *v.* 833
Ioppolo *v.* Rumana 1150
Iowa; Concepcion *v.* 851
Iran; Peterson *v.* 1076
I. R. E. *v.* Florida Bd. of Bar Examiners 807
I. R. E. *v.* Florida Bd. of Dental Examiners 1027
Irish *v.* Louisiana 1135
Irizarry *v.* United States 906
Irving *v.* Texas 937
Isaacs *v.* Dartmouth Hitchcock Medical Center 959
Isaacson *v.* United States 1095
Isby *v.* Brown 841
Isby-Israel *v.* Young 804
Ish *v.* Uttecht 1139
iShares Trust; Laborers' Local 265 Pension Fund *v.* 1202

Page
Ishutkina *v.* General Dynamics 827
Ishutkina *v.* McGuire Woods LLP 1170
Iskanian; CLS Transportation Los Angeles, LLC *v.* 1121
Islamic Republic of Iran; Peterson *v.* 1076
Islas-Saucedo *v.* United States 1201
Ismael Gonzalez *v.* Davis 897
Itiowe *v.* Robert Wood Johnson Univ. Hospital 873
Itiowe *v.* United States 822
Ives; Pena *v.* 860
Ivey *v.* Mississippi 1170
Ivory; Luis Briones *v.* 995
Ivy *v.* Beard 1170
Ivy *v.* Paramo 901
J. *v.* California 879
J. *v.* Washington Univ. in St. Louis Physicians 957,1060,1120,1160
Jabe; Coleman *v.* 1195
Jackson, *In re* 1023
Jackson; Barnes *v.* 1077
Jackson *v.* California 855,1014,1126
Jackson *v.* Davey 979
Jackson *v.* Foster 1018
Jackson *v.* Harris 1185
Jackson *v.* Hobbs 887
Jackson *v.* Lazaroff 848
Jackson *v.* Locke 897
Jackson *v.* Louisville Ladder, Inc. 1191
Jackson; Massey *v.* 830
Jackson *v.* Memorial Hospital of Gardena 939,1056
Jackson *v.* Memphis 830,1006
Jackson *v.* Miller 1124
Jackson *v.* New Orleans 869
Jackson *v.* Ryan 1091
Jackson; Smith *v.* 849
Jackson *v.* United States 907,912,985,1019,1202
Jackson Health Care Systems; Thomas *v.* 962
Jackson White, PC; Zinni *v.* 931,1030
Jacob *v.* Nebraska 840
Jacobs; Phillips *v.* 960
Jacobson *v.* Michigan 997
Jacon; Hoffler *v.* 868
Jacques *v.* United States 853
Jaeger *v.* Cellco Partnership 818
Jaeger *v.* Verizon Wireless 818
Jaffe *v.* Samsung Electronics Co., Ltd. 921

Page
Jaime Reyna *v.* Stephens 1120
Jaimes *v.* Foulk 978
Jakks Pacific, Inc.; Conte *v.* 1012
Jamerson *v.* Texas 1124
James *v.* Florida Dept. of Corrections 1195
James *v.* Martin 1014
James; Parks *v.* 1163
James *v.* Rathman 1163
James *v.* United States 1053
Jameson *v.* Samuels 876
Janecka; Gipson *v.* 867
Janecka; Miller *v.* 883
Japan Airlines; Ventress *v.* 863
Jaramillo *v.* United States 967
Jauregui *v.* Unknown 835
Javaheri *v.* JPMorgan Chase Bank, N. A. 872
Javier Caraballo *v.* United States 1201
J. B. *v.* Amerson 1160
J. B.; J. L. B. *v.* 826
Jeanes; Carswell *v.* 1083
Jeanes; Wallace *v.* 1083
Jeep *v.* United States 904,1044
Jefferson *v.* Maryland 987
Jefferson *v.* United States 1108
Jeffries *v.* United States 897,920
Jenkins *v.* Davis 856,1109
Jenkins *v.* Tribley 1138
Jenkins *v.* United States 1053,1199
Jennings *v.* Hagel 803
Jennings *v.* Lizarraga 842
Jennings *v.* Stephens 271
Jensen *v.* Denney 887
Jensen *v.* Paramo 983
Jentz *v.* ConAgra Foods, Inc. 1159
Jesinoski *v.* Countrywide Home Loans, Inc. 259,931
Jesson; Beaulieu *v.* 904
Jesus-Nunez *v.* United States 1095
Jewell; Friends of Amador County *v.* 1027
Jewell; State Water Contractors *v.* 1074
Jewell; Stewart & Jasper Orchards *v.* 1074
Jewell; Wild Horse Observers Assn. *v.* 818
Jiau *v.* United States 919
Jimenez *v.* United States 1142
Jimenez-Ramirez *v.* United States 968,1044

Page
Jin Li *v.* Holder 872
Jin Rie *v.* Los Angeles 1090
J. L. B. *v.* S. G. 826
J. L. B. *v.* S. J. B. 826
J. O. *v.* Lutheran Family Services of Colo., Inc. 841
Jobs; McSwain *v.* 1196
John Morrell & Co.; Eiler *v.* 884,1110
Johns; Ballard *v.* 1179
Johnson *v.* Artus 941,1056
Johnson; Avalos-Martinez *v.* 869
Johnson *v.* Bergh 881
Johnson *v.* Bigelow 835
Johnson *v.* California 855,933
Johnson; Chaudhry *v.* 935
Johnson *v.* Colorado 995
Johnson; Day *v.* 1014
Johnson *v.* Department of Army 1078
Johnson *v.* DesJardins 931,1029
Johnson; Dortch *v.* 1084
Johnson *v.* Florida 821,896
Johnson *v.* General Bd. of Pension & Health Benefits of the UMC 840
Johnson *v.* Gower 1085
Johnson *v.* Grounds 962
Johnson *v.* Illinois 1030
Johnson *v.* Just Energy 965,1186
Johnson *v.* Massachusetts 945,1198
Johnson; Maze *v.* 1028
Johnson; Mead Johnson & Co., LLC *v.* 992
Johnson *v.* Michigan 990
Johnson *v.* Mississippi 1168
Johnson *v.* National Labor Relations Bd. 939,1044
Johnson; Newmy *v.* 1047
Johnson *v.* Obama 923
Johnson *v.* Puerto Rico Admin. of Corrections 1064
Johnson *v.* Razdan 941,1056
Johnson *v.* San Francisco Dept. of Health 1156
Johnson *v.* Shelby 10
Johnson *v.* Steele 832
Johnson; Stone *v.* 983
Johnson *v.* Unemployment Compensation Bd. of Review 886,1044
Johnson *v.* United States 851,
873,882,884,886,887,909,910,985,997,1001,1018,1019,1069,
1098,1102,1143,1175,1184
Johnson *v.* U. S. District Court 1070

Page
Johnson *v.* Virginia 844,1043
Johnson *v.* Washington 856
Johnson; Weinberg *v.* 992
Johnson *v.* Woods 1086
Johnston *v.* Johnston 995
Jones, *In re* 1072,1189
Jones; Anderson *v.* 1166
Jones; Au *v.* 1085
Jones *v.* Bank of America 1050,1187
Jones; Biggs *v.* 1180
Jones *v.* Booker 995
Jones; Broughton *v.* 1082
Jones; Brown *v.* 1139
Jones *v.* California 843,1172
Jones; Canete *v.* 1094
Jones *v.* Cassaday 1194
Jones *v.* Crews 1032
Jones; Cruz *v.* 1198
Jones *v.* Daley 1024
Jones *v.* Dowd 1174
Jones; Drago *v.* 1167
Jones; Duhart *v.* 1173
Jones; Dykstra *v.* 1173
Jones; Fairchild *v.* 1170
Jones *v.* Florida Parole Comm'n 1016
Jones *v.* Foulk 894,1110
Jones; Gillman *v.* 1198
Jones; Greenhalgh *v.* 1171
Jones; Harvey *v.* 1087
Jones; Hill *v.* 1169
Jones *v.* Hodge 803
Jones *v.* Houston Independent School Dist. Bd. of Trustees 1121
Jones *v.* Humphrey 1166
Jones *v.* Indiana 935
Jones; Lewis *v.* 1070
Jones; Lugo *v.* 1125
Jones *v.* Macomber 853
Jones; McCauley *v.* 1079
Jones *v.* McDonald 1166
Jones; McGough *v.* 1168
Jones; McKinnon *v.* 1165
Jones *v.* McNeese 1013
Jones; Miskovsky *v.* 1078
Jones; Neil *v.* 1134

Page
Jones *v.* New York City 810,1059
Jones *v.* Nuttall and Assoc. 977,1110
Jones *v.* Palmer 904
Jones; Radford *v.* 1089
Jones *v.* R. C. Willey Home Furnishings 1063
Jones; Sanchez *v.* 1017
Jones; Sevier *v.* 1170
Jones *v.* Sinclair 887
Jones; Sneed *v.* 1134
Jones; Steiner *v.* 1148
Jones *v.* Stephens 830
Jones; Sunday *v.* 1017,1203
Jones *v.* United States 846,854,889,912,948,984,1002,1019,1175,1181
Jones *v.* U. S. Postal Service 801,809,989
Jones; Weekley *v.* 1137
Jones *v.* Wetzel 841
Jones; White *v.* 1084
Jones *v.* Woods 942
Jones-Rankins *v.* Cardinal Health, Inc. 939
Jong Shin *v.* United States 872
Jordan; Davis *v.* 1101
Jordan *v.* Levine 1165
Jordan; Parks *v.* 1182
Jordan *v.* Rapelje 885
Jordan; Sherwood *v.* 1015
Jordan *v.* Taylor 894
Jordan *v.* United States 926
Jory *v.* United States 1072,1189
Joseph *v.* Maryland 892
Joseph *v.* State Bar of Cal. 1158
Joseph *v.* Texas 1096
Joseph *v.* United States 1037,1038,1092
Joseph *v.* Wisconsin 1179
Joseph G. *v.* California 1175
Josey *v.* Wal-Mart Stores East, L. P. 989
Joyner; Penley *v.* 961
Joyner *v.* Virginia 1091
JPMorgan Chase Bank, N. A.; Buckman *v.* 1078
JPMorgan Chase Bank, N. A.; Conn *v.* 1086
JPMorgan Chase Bank, N. A.; Gorman *v.* 972,1071
JPMorgan Chase Bank, N. A.; Green *v.* 871
JPMorgan Chase Bank, N. A.; Hillside Metro Associates, LLC *v.* 1152
JPMorgan Chase Bank, N. A.; Javaheri *v.* 872
JPMorgan Chase Bank, N. A.; Lewis *v.* 996

Page
JPMorgan Chase Bank, N. A.; Taylor *v.* 1089
JPMorgan Chase Bank, N. A.; Thompson *v.* 993,1133
Juan Acevedo *v.* Guttierrez 1032
Juan Montelongo *v.* United States 915
Juarez-Gomez *v.* United States 917
Judge, Circuit Ct. of Md., Prince George's Cty.; Solomon *v.* 1024
Judge, Circuit Ct. of Md., 7th Judicial Circuit; Solomon *v.* 939
Judge, Circuit Ct. of W. Va.; West Virginia *ex rel* U-Haul Co. *v.* 816
Judge, Ct. of Common Pleas, Mahoning Cty., Ohio; Chappell *v.* . . 1093
Judge, Ct. of Common Pleas of Pa.; Van Tassel *v.* 991
Judge, Superior Ct. of Ariz. Maricopa Cty.; Alexander *v.* 878
Judge, U. S. Bankruptcy Ct.; Mammola *v.* 1084
Judkins *v.* Williams 851
Junious *v.* Stephens 887
Jur *v.* New Hampshire 905
Jura *v.* Maui Cty. 1077
Just Energy; Johnson *v.* 965,1186
Justice *v.* Davis 1082
Justice *v.* Hobgood 1178
Justice *v.* Virginia 858
Justices of Supreme Ct., New York Cty.; Heath *v.* 821
K. *v.* Daniel B. 845
K. *v.* Gwinnett Cty. School Dist. 836
Kache; Morrison *v.* 1064
Kafka; Berman *v.* 820
Kagan *v.* New Orleans 1153
Kahre *v.* United States 830
Kahyaoglu *v.* Caritas Carney Hospital 898
Kalamazoo Cty. Road Comm'n *v.* Deleon 1104
Kalil *v.* Delaware 906
Kallas *v.* United States 946
Kalyanaram *v.* American Assn. of Profs., NY Inst. of Tech. . . 1012,1109
Kalyanaram *v.* New York Inst. of Tech. 820,1042
Kamack *v.* Montgomery 1087
Kamper *v.* United States 1066
Kane; Lomeli *v.* 883
Kane *v.* Stewart Tilghman Fox & Bianchi P. A. 1027
Kanofsky *v.* Philadelphia Tax Review Bd. 993
Kansas; Cameron *v.* 1035
Kansas; Clay *v.* 1034
Kansas; De La Torre *v.* 1035
Kansas; Eddy *v.* 840
Kansas; Gleason *v.* 1139
Kansas; Macomber *v.* 838

Page
Kansas; McCune *v.* 983
Kansas *v.* Nebraska 445
Kansas; Todd *v.* 984
Kansas; Yarbrough *v.* 836
Kansas City; Goldblatt *v.* 1119
Kansas City Area Transp. Authority; White *v.* 1016
Kansas Division of Property Valuation; Missouri Gas Energy *v.* 814
Kaplan *v.* Michigan Dept. of Corrections 1062
Kapordelis *v.* United States 925
Karcioglu; Walia *v.* 1162
Karmatzis *v.* Hamilton 977
Kasp *v.* United States 1102
Kastner; Robinson *v.* 1070
Katz; Teitelbaum *v.* 961
Katzin *v.* United States 1177
KB Home Raleigh-Durham, Inc. *v.* Elliott 993
KBR, Inc.; Alim *v.* 1012
KBR, Inc. *v.* McManaway 1120
KBR, Inc. *v.* Metzgar 1120
Ke, *In re* 1010
Kean Univ.; Alston *v.* 923
Kearney *v.* Graham 1132
Keele *v.* United States 1135
Keene *v.* Crews 939
Keiran *v.* Home Capital, Inc. 1119
Keith; Brandenburg *v.* 839
Keith; Thomas *v.* 844
Keller; Clark *v.* 840
Keller *v.* Mississippi 1159
Kelley; Taylor *v.* 1154
Kellogg Brown & Root, Inc.; United States *ex rel.* Barko *v.* 1122
Kellogg Brown & Root Services *v.* United States 826,989
Kellogg Brown & Root Services *v.* United States *ex rel.* Carter 808
Kellogg Brown & Root Services, Inc. *v.* Harris 1120
Kelly; Haschenburger *v.* 978
Kelly *v.* Maryland 958
Kelly *v.* New York City 1185
Kelly *v.* United States 964
Kelmar *v.* Virginia 1158
Kelsey *v.* Kelsey 975
Kelson *v.* Department of Navy 911,1044
Kemp; Smith *v.* 902
Kendall *v.* Donahoe 926
Kendrick *v.* Florida 1169

Page
Kennedy *v.* Booker 982
Kennedy *v.* Texas 1047
Kennedy *v.* United States 854
Kennemur *v.* Stephens 1082
Kenner *v.* Vidaurri 1198
Kennerson *v.* Lizarraga 1092
Kenney; Gonzalez *v.* 1169
Kenney *v.* United States 1054
Kennon *v.* United States 819
Kentner *v.* Sanibel 1075
Kentucky; Ayers *v.* 819
Kentucky; Dunlap *v.* 838
Kentucky; Ferrier *v.* 1122
Kentucky; Hagan *v.* 1171
Kentucky; Pollini *v.* 1139
Kentucky; Sarabia *v.* 836
Kerestes; Cox *v.* 1033
Kerestes; Harper *v.* 1063
Kerestes; Loi Ngoc Nghiem *v.* 1089
Kerr *v.* United States 945
Kerstetter *v.* United States 1029
Kessell *v.* Coker 975
Kess-Lewis; Solomon *v.* 1196,1197
Keung Tse *v.* Biter 1083
Keung Tse *v.* Google, Inc. 1156
Kevorkian *v.* California 873,1043
Keycorp; Metyk *v.* 1012
Keys *v.* Tennessee 984
Khachatourian *v.* Scanlon 1074
Khac Tran *v.* Stephens 1024
Khamati *v.* Lew 811,1013,1186
Khan *v.* Chowdhury 958
Khan *v.* Hines 805
Khan *v.* Holder 872
Khan *v.* United States 1093
Khiemdavanh *v.* United States 901
Khosiko *v.* Deutsche Bank Trust Co. Americas 1048
Khouri *v.* United States 878
Kia Motors Corp.; Hughes *v.* 1167
Kight *v.* R. R. Donnelley & Sons Co. 820
Kigre, Inc. *v.* Hilton Head Island 1076
Kilgore *v.* United States 827
Kille *v.* Bisbee 1095
Kim *v.* Beard 823

Page
Kim *v.* California 995
Kim *v.* U. S. District Court 960
Kim; Youngblood *v.* 809
Kimble *v.* Marvel Entertainment, LLC 1058
Kimble *v.* United States 904
Kimbrough *v.* Alabama 828
Kimbrough *v.* Harlow 836
Kim Sebold *v.* United States 842,1043
Kim Thul Ouk *v.* Minnesota 1169
Kindle, *In re* 812
King *v.* Berghuis 824
King *v.* Biter 1088
King *v.* Burwell 988
King; Garibay *v.* 1034
King *v.* McCree 1135
King; O'Brien *v.* 959
King; Sullivan *v.* 897
King *v.* United States 946,986,1099,1177
King Cole Foods, Inc. *v.* United States 1152
King County; Robey *v.* 891,1056
Kings County District Attorney's Office; Robinson *v.* 1170
Kingsley *v.* Hendrickson 1119
Kinlaw *v.* United States 1142
Kinley *v.* LaValley 942
Kinney; Barnes *v.* 1122
Kinseth *v.* United States 1102
Kirby; Donelson *v.* 912
Kirby; Hall *v.* 899
Kirby *v.* United States 1104
Kirkegard; Dethman *v.* 982
Kirkegard; McAlpin *v.* 1167
Kirklin *v.* United States 985
Kirksey *v.* Alabama 1168
Kisla *v.* United States 1078
Kitchen *v.* Crews 1033
Kitchen; Herbert *v.* 874,931
Kitko *v.* Young 1154
Kitt *v.* United States 919
Kizzee *v.* United States 966
Klayman, *In re* 813,1073
Klayman *v.* U. S. District Court 817
Klayman *v.* Zuckerberg 1012
Klee; Browning *v.* 892
Klee; Ward *v.* 834

Page
Klein *v.* American Land Title Assn. 826
Klein *v.* United States 1182
Klinefelter *v.* Alfaro 1096
Klinesmith; Hursey *v.* 1162
Klinger; Conan Doyle Estate, Ltd. *v.* 976
Kloecker; Straw *v.* 1123
KMF Freemont, LLC; Madrid *v.* 1120
Knapp *v.* Hogan 815
Knapp *v.* Indiana 1091
Knecht *v.* Knecht 847,858
Knight *v.* Thompson 1133
Knight *v.* United States 1092,1103
Knight-Castillo *v.* United States 1098
Knipp; Peregrina *v.* 1085
Knowles *v.* United States 985
Knox *v.* Trammell 941
Knutson *v.* Nebraska 1197
Kobold; Aetna Life Ins. Co. *v.* 809
Kolon Industries, Inc. *v.* E. I. du Pont de Nemours & Co. 987
Kon *v.* California 1164
Koon *v.* South Carolina 1069,1151
Koplik *v.* Fox 1028
Koppelman *v.* United States 1092
Korab *v.* McManaman 976
Korman *v.* California 1156
Korman *v.* Superior Ct. of Cal. 825
Kormondy *v.* Florida 1112,1118
Kormondy *v.* Scott 1112
Koroma *v.* SFW 1050
Korte, *In re* 973
Koss *v.* United States 1177
Koster; Rideout *v.* 1177
Kot *v.* United States 1078
Kothari *v.* Washington 983,1111
Kouwabunpat; Natalie D. *v.* 808,1082
Kraemer *v.* Grounds 884,1056
Krahn *v.* Rohde 1075
Kramer *v.* Bondi 1064
Krasniqi *v.* United States 914
Kreisberg; HealthBridge Management, LLC *v.* 1066
Kriston *v.* Peroulis 877
Kron; Corrigan *v.* 820
Kronenberger *v.* Illinois 1175
Krueger *v.* Beard 911

Page
K/S HIMPP *v.* Hear-Wear Technologies, LLC 1157
Kuck *v.* Masek 987
Kukuk *v.* HSBC Bank USA, N. A. 1090
Kumar *v.* United States 960
Kumar *v.* U. S. Bank N. A. 991
Kurtz *v.* Verizon New York, Inc. 1121
Kusak *v.* McAdam 884,1056
Kutty *v.* Department of Labor 1122
Kyle *v.* United States 878,960
L., Lissa L. *v.* 1086
L. *v.* McCarthy 1047
L. *v.* Robert L. 1086
Labate; Sanchez *v.* 873
Laborers' Local 265 Pension Fund *v.* iShares Trust 1202
Ladd *v.* Livingston 1144
Ladd *v.* Stephens 880
Ladd *v.* Texas 1144
Ladeairous *v.* Davis 847
Ladeairous *v.* Holder 1141
Lagares *v.* United States 916
Laguerra *v.* Merit Systems Protection Bd. 973
Laguna-Aldaco *v.* United States 1029
Laidlaw Transit, Inc. *v.* Education Logistics, Inc. 1191
Lake Eugenie Land & Dev.; BP Exploration & Production *v.* 1054
Lakey; Whole Woman's Health *v.* 931
Lal *v.* California 975
Laloudakis *v.* United States 967
Lamarque; Robinson *v.* 1034,1187
Lamas; Horton *v.* 1034
Lamb *v.* United States 912
Lambardo *v.* United States 1173
Lambert *v.* Dana Point 1189
Lambrix *v.* Crews 832
Lambrix *v.* Florida 866
Lam Dang *v.* Virginia 853
Lamone; Vaeth *v.* 889
Lamothe *v.* United States 1178
Lampkin *v.* Staffmark 1090
Lampkin *v.* United States 1003
Lancaster County Children and Youth Services; R. N. *v.* 1163
Landan *v.* United States 852
Landford; Wright *v.* 1064
Lane *v.* Bickell 837
Lane *v.* State Bar of Cal. 807

Page
Lane *v.* United States 1184
Lang *v.* Cain 885
Lang *v.* California Unemployment Ins. Appeals Bd. 1196
Langston *v.* Russell 978,1110
Lanz *v.* Texas 939
Lara Martinez *v.* Georgia 1051,1187
Lara-Torres *v.* United States 893
Lard *v.* Arkansas 836
Lark; Wetzel *v.* 1108
Larkin; Luna *v.* 1079
Larsen-Orta *v.* California 838,1109
Lassiter; Robinson *v.* 1034
Laster *v.* Sheahan 1093
Las Vegas Metropolitan Police Dept. *v.* Rodriguez Sandoval 1153
Latham *v.* United States 1100
Latos *v.* Commissioner 915
Latos *v.* United States 868
Latrielle; Corrion *v.* 1065
Latta; Otter *v.* 929
Laudenberger *v.* Pennsylvania 963
LaValley; Fludd *v.* 1176
LaValley; Kinley *v.* 942
LaValley; Paul *v.* 860
LaValley; Thompson *v.* 979
Lavelle *v.* Giroux 907
Lavergne *v.* Advancial Federal Credit Union 996,1111
Lavergne *v.* Higgingbottom 983,1111
Lavergne *v.* Martinez 980,1186
Lavergne *v.* Sanford 1015
Law Offices of Paul Gertz, P. C.; Cotter *v.* 942,1110
Lawrence *v.* United States 871,1055
Lawson *v.* Stephens 884
Layne *v.* United States 917
Lazaro *v.* United States 914
Lazaroff; Goins *v.* 824
Lazaroff; Jackson *v.* 848
Lazaroff; Tyler *v.* 940
L. B. *v.* S. G. 826
L. B. *v.* S. J. B. 826
Leach *v.* United States 1177
League of Women Voters of Chicago *v.* Chicago 1013
League of Women Voters of N. C.; North Carolina *v.* 927
Learjet, Inc.; Oneok, Inc. *v.* 1059
Lear Siegler Services, Inc.; Noble *v.* 890

Page
Leasure; Cory *v.* 1137
Leatherwood *v.* Welker 1083
LeBar *v.* Thompson 855
LEBR Associates, LLC; Onyeabor *v.* 871
Lee, *In re* 990,1111
Lee; Burton *v.* 839,1109
Lee; Cordero *v.* 1051
Lee *v.* Foulk 835
Lee *v.* Maye 1091
Lee *v.* Michigan 1013
Lee; Rudy *v.* 870,1043
Lee; Sigram Schindler Beteiligungsgesellschaft MbH *v.* 1047
Lee; Tobar *v.* 1050
Lee *v.* United States 834,926,936
Lee *v.* Virginia 944
Lee; Walton *v.* 880
Lee; Whitley *v.* 823
Lee *v.* Zatecky 889
Lee County; Hurst *v.* 1136
Leeds; Williams *v.* 869,1043
Leffebre, *In re* 813
Lefkowitz *v.* Wirta 1042
Legall *v.* United States 1183
LeGrand; Settles *v.* 1015
Leiby; Ranftle *v.* 874
Leichner *v.* Batts 909
Lei Ke, *In re* 1010
Leite *v.* Crane Co. 934
Lembaris *v.* University of Rochester 1121
Lemke; Bailey *v.* 943
Lemke; Ford *v.* 866
Lenius *v.* Butler 1168
Lenox Hill Hospital; Manko *v.* 842,1109
Leon *v.* Dunlop 940
Leon *v.* Montgomery 1063
Leon *v.* United States 918
Leonard *v.* Retailer's Credit Assn. of Grass Valley, Inc. 819
Leonel Aguilar *v.* United States 1029
Leonetti *v.* Williams 961
Lerner *v.* Corbett 874
Lesonik *v.* United States 862
Lester *v.* Pennsylvania 1026
Lester; Williams *v.* 1166
Levi *v.* Anheuser-Busch InBev of Leuven, Belgium 896

Page
Levine; Jordan *v.* 1165
Levitan *v.* Florida 1018,1143
Levy *v.* Texas 1169
Levy Gardens Partners 2007, L. P. *v.* U. S. District Court 921
Lew; Henson *v.* 867
Lew; Khamati *v.* 811,1013,1186
Lewis, *In re* 971
Lewis; Ashmore *v.* 931,1025
Lewis *v.* California 1163
Lewis *v.* Connecticut 854
Lewis *v.* Detroit Public Schools 941
Lewis *v.* Federal National Mortgage Assn. 1084
Lewis; Fisher *v.* 1141
Lewis; Henderson *v.* 1065
Lewis; Hubbard *v.* 1161
Lewis *v.* Jones 1070
Lewis *v.* JPMorgan Chase Bank, N. A. 996
Lewis *v.* Louisiana Dept. of Transportation and Development . . . 960
Lewis *v.* Michigan Occupational Safety and Health Admin. 962
Lewis *v.* Peer 1136
Lewis *v.* Pine Belt Multipurpose Community Action Acq. Agency 1154
Lewis; Porter *v.* 979
Lewis *v.* United States 1037,1091,1094,1200
Lewis County; Beauregard *v.* 1061
Lexington-Fayette Urban County Government; Simpson *v.* . . . 835,1055
Leybinsky *v.* Immigration and Customs Enforcement 909
Leyse *v.* Clear Channel Broadcasting, Inc. 815
L'Ggrke *v.* McGrath 1045
Li *v.* Asphalt Green, Inc. 1162
Li *v.* Holder 872
Liang *v.* Holder 817
Libby *v.* Barnes 1090
Liberty Coins, LLC *v.* Porter 1075
Liberty Mut. Ins. Co.; Gobeille *v.* 1059
Librace, *In re* 1010,1186
Liendo-Saucedo *v.* United States 946
Liggins *v.* United States 986
Light *v.* Caraway 1077
Lightfoot *v.* Texas 819
Lighting Ballast Control LLC *v.* Universal Lighting Technologies 1133
Ligon *v.* United States 1182
Li-Hua Wei *v.* Michigan 979
Lima Delta Co. *v.* Global Aerospace, Inc. 826
Limon-Pacias *v.* United States 1103

Page
Lincoln *v.* Centura College 855
Lincoln *v.* Director, Office of Workers' Compensation Programs 932
Lincoln *v.* Employment Services 855
Lindamood; Draper *v.* 997
Lindner *v.* Newell 1151
Ling Li *v.* Asphalt Green, Inc. 1162
Ling Yuan Hu *v.* Department of Defense 840
Link, *In re* 1188
Linton *v.* Holder 1165
Lipov; McDonald *v.* 1195
Lipscombe *v.* United States 1081
Lipsey *v.* Ducart 892
Lipworth; Singh *v.* 1138
Lira *v.* Ryan 996
Lisbon *v.* United States 876
Lish *v.* United States 888
Lissa L. *v.* Robert L. 1086
Little *v.* Michigan 834
Little *v.* Nau 1140
Little Davis *v.* Louisiana 1014
Liu *v.* Mount Sinai School of Medicine 1032,1143
Livingston, *In re* 1009
Livingston; Ladd *v.* 1144
Livingston *v.* Ohio Bureau of Motor Vehicles 932
Livingston *v.* United States 918
Lizarraga; Bledsoe *v.* 1198
Lizarraga; Jennings *v.* 842
Lizarraga; Kennerson *v.* 1092
Lizarraga-Carrizales *v.* United States 1142
Ljutic *v.* United States 964
Llerena-Molina *v.* HSBC Bank USA 861,1055
Llovera *v.* Florida 1070
Llovera-Linares *v.* Florida 901
Llovet *v.* Chicago 1136
Lloyd *v.* United States 1054
Lobos *v.* Superior Court of Cal., Los Angeles Cty. 1084
Local. For labor union, see name of trade.
Locke; Jackson *v.* 897
Lockerby *v.* Pima County 816
Lockerby *v.* Tucson 875
Lockett *v.* United States 851
Lockheed Martin Corp.; Yufa *v.* 1075,1186
Locklear *v.* North Carolina 983
Locklear *v.* United States 1019,1199

Page
Lodes, *In re* 1009
Loi Ngoc Nghiem *v.* Kerestes 1089
Loiseau *v.* Clarke 856
Loi Tan Vo *v.* California 1160
Lomas-Rodriguez *v.* United States 1201
Lombardi; Christeson *v.* 969
Lombardi; Goodwin *v.* 1057
Lombardi; Storey *v.* 1147,1188
Lombardi; Taylor *v.* 1020
Lomeli *v.* Holder 1016
Lomeli *v.* Kane 883
Londo *v.* United States 851
Long *v.* Ballard 1035
Long; Flores *v.* 850
Long; Smith *v.* 893
Long *v.* United States 898,1095
Longaker; deRosier *v.* 976
Long Beach; Wilson *v.* 1121
Longley; Griffin *v.* 802
Longshoremen; Midwest Terminals of Toledo, Int'l, Inc. *v.* 826
Longshoremen; Warch *v.* 975
Look *v.* State Bar of Cal. 993
Looney *v.* United States 856
Lopes-Benitez *v.* Baker 831
Lopez *v.* Grounds 833
Lopez *v.* Illinois 964
Lopez *v.* MacDonald 1086
Lopez; Meredith *v.* 836
Lopez *v.* Montgomery 895
Lopez *v.* Pierce 1031,1187
Lopez *v.* Ryan 831
Lopez *v.* Smith 1
Lopez *v.* Spearman 981
Lopez *v.* Stephens 1166
Lopez *v.* United States 1092,1182
Lopez-Mata *v.* United States 1179
Lopez-Monjaraz *v.* United States 884
Lopez-Pacheco *v.* United States 966
Lopez-Pena, *In re* 1072
Lopez Rosier *v.* Crews 893
Lopez-Valenzuela; Maricopa County *v.* 1006
Lordmaster *v.* Clarke 912
LordMaster *v.* Hinkle 1175
Lorenzana *v.* United States 925

Page
Lorenzetti; Tabb *v.* 1136
Los Angeles *v.* Chaudhry 876
Los Angeles *v.* Haro 824
Los Angeles; Jin Rie *v.* 1090
Los Angeles *v.* Patel 958,1147
Los Angeles County; Escandon *v.* 1191
Los Angeles County; Ibarra Rivera *v.* 1061
Lott *v.* United States 900
Louchart *v.* United States 1183
Louisiana; Black *v.* 1188
Louisiana; Castillo *v.* 803,1024
Louisiana; Cunningham *v.* 852
Louisiana; Davis *v.* 1014
Louisiana; Dorsey *v.* 1193
Louisiana; Fields *v.* 849
Louisiana; Hankton *v.* 881
Louisiana; Huey *v.* 1198
Louisiana; Irish *v.* 1135
Louisiana; Little Davis *v.* 1014
Louisiana; Naftzger *v.* 830
Louisiana; Saltzman *v.* 1014
Louisiana; Smith *v.* 962
Louisiana; Stout *v.* 882
Louisiana; Toca *v.* 1058,1144
Louisiana Dept. of Health and Hospitals; Smith *v.* 1167
Louisiana Dept. of Transportation and Development; Clark *v.* . . . 1030
Louisiana Dept. of Transportation and Development; Lewis *v.* . . . 960
Louisiana Div. of Admin., Office of Risk Mgmt.; Sandres *v.* . . . 803,1024
Louisiana *ex rel.* Ballay *v.* BP Exploration & Production, Inc. . . . 968
Louisville Ladder, Inc.; Jackson *v.* 1191
Louthian *v.* United States 960
Love *v.* United States 908
Lovejoy *v.* Cain 880
Lovelace *v.* Rivard 1194
Lowden; Turner *v.* 1072,1160
Lowery *v.* Cain 979
Lowery Carnival Co., Inc. *v.* Moser Rides, S. R. L. 1158
L. R. F.; A. A. *v.* 871
Luan Van Nguyen *v.* United States 903
Lucas *v.* CitiMortgage, Inc. 1164
Lucas *v.* Reynolds 1123
Lucas *v.* United States 859
Lucero Cano *v.* United States 985
Luckett *v.* Heidorn 1162

Page
Ludwick; Boss *v.* 1085
Ludwick; Williams *v.* 1140
Lugo *v.* Jones 1125
Luiciano-Castillo *v.* United States 1048
Luis *v.* United States 947
Luis Briones *v.* Ivory 995
Luis Morales *v.* California 1089
Luis Ornelas *v.* Sandor 1163
Luis Tovar *v.* United States 859
Lujan; Martel *v.* 1003
Luna, *In re* 932
Luna *v.* Davey 914
Luna *v.* Larkin 1079
Lund; Escobedo *v.* 1169
Lundberg *v.* Florida 1179
Luney *v.* Edenfield 1092
Luong *v.* U. S. Bank N. A. 935,1056
Lutheran Family Services of Colo., Inc.; J. O. *v.* 841
Luzerne County Children and Youth Services; Muhammad *v.* . . . 1162
Lyimo *v.* United States 943
Lykos; Harris *v.* 1063
Lyle *v.* United States 846
Lyles *v.* Seacor Marine, Inc. 925,1067
Lynch *v.* Alabama 814
Lynch *v.* Minnesota 884
Lyons *v.* Racette 906
Lyons *v.* United States 948
Lytle *v.* United States 904
M. *v.* C. M. H. 819
M. *v.* Florida Dept. of Children and Families 1138
M. *v.* Pajaro Valley Unified School Dist. 1079
Mabury Ranch Homeowners Assn.; Peterson *v.* 907
Mabus; Brown *v.* 924
Mabus; Richardson *v.* 958,1049
MacDonald; Antonio Marroquin *v.* 1140
MacDonald; Lopez *v.* 1086
MacFadyen; Highsmith *v.* 1045
Machado-Sanchez *v.* United States 1182
Macias-Fuentes *v.* United States 1175
Maciel *v.* Beard 834
Mack *v.* California 840
Mack *v.* United States 1101,1182
MacKenzie *v.* California 1064
MacKenzie *v.* Woods 834

Page
Mackety *v.* United States 1091
Mackie; Berry *v.* 1194
Mackie; Whittaker *v.* 852,1109
MacLaren; Anderson *v.* 995
MacLaren; Poole *v.* 850
MacLaren; Sandoval *v.* 1084
Maclean; Department of Homeland Security *v.* 383
Macomber; Butler *v.* 1083
Macomber; Jones *v.* 853
Macomber *v.* Kansas 838
Macomber; Soto *v.* 988
Macomber; Taylor *v.* 1031
Macomber; Wheelock *v.* 908
Macy *v.* Howard 1138
Maddaus *v.* Washington 1088
Madden *v.* California 838
Madden *v.* Tennessee 1192
Maddox *v.* CitiMortgage, Inc. 938
Maddox *v.* Delaware 837
Maddox *v.* United States 880
Maden *v.* Texas 940
Madkins *v.* Tennessee 841,1109
Madrid *v.* KMF Freemont, LLC 1120
Madrid *v.* United States 966
Madrid Flores *v.* United States 877
Madril *v.* Biter 1149
MadStad Engineering, Inc. *v.* Patent and Trademark Office 1152
Madu *v.* Fort Worth Police Dept. 995
Magana Garcia *v.* Texas 1012
Magana-Herrera *v.* United States 887
Magana-Torres *v.* Biter 1091
Magrini *v.* Florida 1065,1203
Mahally; Woodall *v.* 1088
Mahan *v.* Bunting 1174
Mahdi *v.* United States 854
Mahmud *v.* Holder 1033
Mahon *v.* Oelbaum 825
Mahon *v.* United States 904
Maine; Dee *v.* 1122
Maine; Flanders *v.* 905
Maine; Mercier *v.* 840
Mak, *In re* 990,1111
Maki *v.* Anderson 835
Makwana *v.* United States 881

Page
Malagon-Soto *v.* United States 1096
Malaney *v.* UAL Corp. 823
Malaska *v.* Maryland 1122
Malcom *v.* Felders 1108
Maldonado *v.* United States 867,1101
Mallard *v.* Santiago 838
Malloy *v.* Pennsylvania 1160
Mally *v.* United States 888
Malone *v.* Stephens 1087
Mammola *v.* Feeney 1084
Mammone *v.* Ohio 1084
Manalapan; Navellier *v.* 1154
Manasquan Savings Bank; Smith *v.* 927
Manciagonzalez *v.* United States 884
Mandell *v.* United States 1160
Mandeville *v.* Fisher 1088
Manduley *v.* United States 1179
Maness *v.* United States 947
Manibusan *v.* California 830
Manko *v.* Lenox Hill Hospital 842,1109
Manley *v.* Invesco 833
Man Mui *v.* United States 1109
Mann *v.* Clarke 1052
Mannarino *v.* Bank of America, N. A. 941,1110
Mannear, *In re* 1189
Mannebach *v.* United States 912
Manning *v.* Maryland 1100
Manning *v.* Michigan 909
Manning *v.* United States 858,881
Mansion *v.* Sherman 1065
Mantich; Nebraska *v.* 921
Mantz *v.* Palm Beach County Planning 846
Manuel Montes *v.* California 1081
Manuel Navarrette *v.* Texas 1086
Manufacturers & Traders Trust Co.; Monbo *v.* 940
Maples *v.* Patterson 1064
Maranda *v.* United States 1099
Marcelli *v.* U. S. District Court 979
March *v.* United States 1019
Marcus *v.* United States 856
Marcusse *v.* U. S. District Court 1149
Marcussen *v.* Burwell 821
Marfo *v.* United States 986,1037
Margheim *v.* United States 1200

Page
Mariano *v.* United States 1178
Maricopa County *v.* Lopez-Valenzuela 1006
Marie; Moser *v.* 1006
Mariner Health Care, Inc. *v.* Coleman 991
Marino; D'Ambrosio *v.* 1047
Mariscal *v.* Foulk 849
Mark *v.* United States 1141
Markeson *v.* Payne 817
Marks *v.* Tennessee 869
Marks *v.* United States 926,1181
Markuski; McNeil *v.* 864
Marlboro County; MRR Sandhills, LLC *v.* 1136
Marlow *v.* Beard 1168
Marquez *v.* United States 911
Marquez-Calzadilla *v.* United States 1066
Marquez-Gatica *v.* United States 1183
Marr *v.* Florida Bar 1093
Marrero *v.* United States 1081
Marroquin *v.* MacDonald 1140
Marsh *v.* United States 844,847
Marshack; Pei-Yu Yang *v.* 931,1062
Marshack; Yan Sui *v.* 1010,1031,1081
Marshall *v.* Centerplate, Inc. 1050
Marshall *v.* McCollum 1032,1167
Marshall *v.* North Carolina 1091
Marshall *v.* Ormand 1050
Marshall; Sanderson *v.* 939
Marshall *v.* Superior Court of Mass., Bristol County 984
Marshall *v.* Tatum 848,1066
Marshall *v.* United States 845,1181
Martel; Heredia *v.* 811
Martel *v.* Lujan 1003
Martel; Smith *v.* 978
Martell; Foss *v.* 942
Martens, *In re* 812,1044
Martin *v.* Alabama 1096
Martin *v.* Alaska 909
Martin *v.* Byers 996
Martin *v.* Florida Dept. of Corrections 1138
Martin; James *v.* 1014
Martin *v.* McCall 980
Martin *v.* Medeiros 1170
Martin *v.* Pacific Parking Systems, Inc. 1076
Martin; Pittman *v.* 983

Page
Martin; Taylor *v.* 1121
Martin *v.* Uttecht 811,1025
Martin *v.* Westland 826
Martin; Zebrowski *v.* 852
Martinelly-Montano *v.* Virginia 1094
Martinez, *In re* 1152
Martinez *v.* Babcock 1184
Martinez *v.* California 990
Martinez *v.* Georgia 1051,1187
Martinez *v.* Illinois 927
Martinez; Lavergne *v.* 980,1186
Martinez; McKinney *v.* 1084
Martinez *v.* O'Leary 1099
Martinez *v.* Romanowski 908
Martinez *v.* Stephens 938
Martinez *v.* Texas 855
Martinez *v.* United States 853,907,966,1053,1067,1096,1177,1187
Martinez Castillo *v.* Biter 1172
Martinez-Garcia *v.* United States 853
Martinez Martinez *v.* United States 853
Martinez Quinones *v.* United States 1179
Martinez-Velez *v.* United States 1200
Martin Garcia *v.* Stephens 1193
Martuscello; Antoine *v.* 902
Martuscello; Page *v.* 943
Marvel Entertainment, LLC; Kimble *v.* 1058
Marvin *v.* United States 1002
Maryland; Anderson *v.* 981
Maryland; Burrus *v.* 985
Maryland; Jefferson *v.* 987
Maryland; Joseph *v.* 892
Maryland; Kelly *v.* 958
Maryland; Malaska *v.* 1122
Maryland; Manning *v.* 1100
Maryland; Matthews *v.* 1091
Maryland; Nash *v.* 911
Maryland; Raynor *v.* 1192
Maryland; Rhodes *v.* 1202
Maryland; Williams *v.* 879,1093,1202
Maryland Dept. of Public Safety and Corr. Servs.; Ham *v.* 990,1081
Maryland Pilots; Dize *v.* 815,1020
Maryland State's Attorney Office; Woodson *v.* 1052
Masciantonio *v.* United States 871
Masek; Kuck *v.* 987

Page
Masilotti *v.* United States 1078
Mason *v.* Edmonds 862
Mason *v.* Texas 1139
Massachusetts; Avilez *v.* 919
Massachusetts; Britto *v.* 835
Massachusetts; Carcieri *v.* 902
Massachusetts; Caswell *v.* 1172
Massachusetts; Cichocki *v.* 940
Massachusetts; Clifford *v.* 983
Massachusetts; Conti *v.* 1178
Massachusetts; Duncan *v.* 891
Massachusetts; Fay *v.* 858
Massachusetts; Flannery *v.* 903
Massachusetts; Johnson *v.* 945,1198
Massachusetts; Matias *v.* 991
Massachusetts; McNeil *v.* 999
Massachusetts; Meas *v.* 858
Massachusetts; Morganti *v.* 933
Massachusetts; Pinero *v.* 893
Massachusetts; Piver *v.* 874
Massachusetts; Zagranski *v.* 861
Massachusetts Dept. of Social Services; Shushean Wong *v.* 807
Massachusetts Mut. Life Ins. Co.; Brooks *v.* 1075
Massey *v.* Jackson 830
Massie *v.* Florida 1172
Masterson; Diocese of Northwest Tex. *v.* 974
Mastrangelo *v.* United States 1049
Mata *v.* Holder 1118
Mateo *v.* Bratton 1079
Mathena; Graves *v.* 977
Mathis *v.* United States 895,945,1176
Mathis *v.* Varano 838,1066
Matias *v.* Massachusetts 991
Matias *v.* New York 1174
Matlock *v.* Illinois 851
Matthews, *In re* 1151
Matthews *v.* Florida 855
Matthews *v.* Hull 997,1111
Matthews *v.* Maryland 1091
Matthews *v.* Mikolaities 915
Matthews *v.* United States 916,1037
Mattison *v.* Pennsylvania 890
Maui County; Jura *v.* 1077
Maurice El, *In re* 1072,1203

Page
Mauricio Guerrero *v.* United States 1096
Maxey *v.* Baker 894
Maxfield *v.* United States 893
Maxwell; Hanna *v.* 843
Maxwell *v.* Ohio 1160
May *v.* Amgen, Inc. 1072,1193
May; Norris *v.* 854
Maybin *v.* Booker 1032
Maye; Lee *v.* 1091
Mayes *v.* Netco, Inc. 823
Mayes *v.* Premo 1091
Mayeux; Roman Catholic Church of the Diocese of Baton Rouge *v.* 1126
Mayo *v.* Vermont 1125
Mayor and City Council of Baltimore; Chen *v.* 988,1068,1186
Mayor and City Council of Baltimore; Cherry *v.* 1055
Mays *v.* California 1167
Mays *v.* Stephens 1082
Maze *v.* Johnson 1028
Mazur *v.* United States 967
Mazzei *v.* California 1065
McAdam; Kusak *v.* 884,1056
McAlpin *v.* Kirkegard 1167
McArthur *v.* Arkansas 1170
McArty *v.* Hobbs 1125
McBride *v.* United States 878,984
McCabe *v.* United States 1175
McCall; Caldwell *v.* 840
McCall; Ford *v.* 899
McCall; Hilton *v.* 1125
McCall; Martin *v.* 980
McCall; Wilson *v.* 896
McCandless; Negron-Bennett *v.* 1051
McCarthy; Alec L. *v.* 1047
McCarthy *v.* McCarthy 1125
McCarty *v.* Warren 908
McCauley *v.* Jones 1079
McChriston *v.* Illinois 830
McClamma *v.* Remon 826
McClelland *v.* California 888
McClendon *v.* Springfield 1154
McClendon *v.* United States 1182
McClinton *v.* Bolin 837,1043
McClinton *v.* United States 965
McCloud; Harper *v.* 1051

Page
McClure *v.* Oregon Bd. of Parole and Post-Prison Supervision . . . 1015
McCollum *v.* Aspen Property & Reserve at Elk River 827
McCollum; Marshall *v.* 1032,1167
McCollum *v.* Reserve at Elk River Homeowners Assn., Inc. 827
McCourt *v.* Florida 895
McCown *v.* Arizona 881
McCoy *v.* Florida 840
McCoy *v.* Michigan 852,1066
McCoy *v.* People Care Inc. 888
McCoy; Tillotson *v.* 811
McCracken *v.* Pennsylvania 1052
McCray *v.* Curtin 1064
McCray *v.* New York State Division of Parole 901
McCray *v.* United States 903,1137
McCrea *v.* United States 1019
McCreary *v.* Sandoval 803
McCree; King *v.* 1135
McCroskey *v.* Clarke 1169
McCune *v.* Kansas 983
McCurdy *v.* Texas 977
McCutcheon *v.* Florida Dept. of Corrections 1165
McCuthison *v.* Tennessee Dept. of Human Services 828
McDaniel; Hooper *v.* 964
McDaniel; Orpiada *v.* 995
McDonald, *In re* 1072
McDonald; Ali-Akbar *v.* 1166
McDonald; Anderson *v.* 843
McDonald; Anoruo *v.* 1191
McDonald; Bell *v.* 1157
McDonald; Bowers *v.* 870
McDonald *v.* Cain 1015
McDonald; Cohens *v.* 807
McDonald; El Malik *v.* 838
McDonald; Ferguson *v.* 836
McDonald; Ford *v.* 971,1157
McDonald; Garcia Flores *v.* 862
McDonald *v.* Health Care Service Corp. 1195
McDonald; Hinton *v.* 960
McDonald *v.* HP Production Inc. 1157
McDonald *v.* Illinois 1098
McDonald; Jones *v.* 1166
McDonald *v.* Lipov 1195
McDonald; Middleton *v.* 817
McDonald; Monzingo *v.* 875,1043

Page
McDonald; Perry *v.* 1176
McDonald; Rainville *v.* 1051
McDonald *v.* Stephens 1083
McDonald *v.* Texas 982
McDonald *v.* U. S. Postal Service 927
McDonald; Van Allen *v.* 973,1071
McDowell; Atencio *v.* 1164
McDowell; Ruff *v.* 1031
McDowell; Scott *v.* 1163
McDowell *v.* United States 1073,1103
McElvy *v.* Nationstar Mortgage LLC 1138
McEwen; Angel Mora *v.* 877
McEwen; Cox *v.* 1181
McEwen; Uriel Castaneda *v.* 883
McFadden *v.* United States 1118
McFarland *v.* United States 895
McGee *v.* United States 853,1153
McGhee *v.* U. S. District Court 1088
McGill *v.* United States 921
McGough *v.* Jones 1168
McGrath; L'Ggrke *v.* 1045
McGrath *v.* Tavares 1136
McGrew *v.* United States 944
McGrue *v.* United States 1097
McGuire *v.* California 854
McGuire Woods LLP; Ishutkina *v.* 1170
McInerney; Aipperspach *v.* 1155
McInnish *v.* Bennett 872
McIntoch *v.* United States 1035
McIntosh *v.* Texas State Bd. of Dental Examiners 1027
McIntosh *v.* United States 1053,1100
McIntosh *v.* Yates 1196
McKee; Bechtol *v.* 1082
McKee; Byrd *v.* 1165
McKee; Feliciano *v.* 902
McKeller *v.* Bowersox 1086
McKenna; New Hampshire *v.* 1191
McKenzie *v.* U. S. Citizenship and Immigration Services 1077
McKinney *v.* Georgia 1166
McKinney *v.* Martinez 1084
McKinnon *v.* Jones 1165
McKnight *v.* United States 1141
McKoy *v.* Donahoe 827,1066
McLain *v.* United States 811,1029

Page
McLaughlin *v.* Board of Trustees, Elevator Indus. Health Plan 1154
McLaughlin; Bryson *v.* 1014
McLaughlin; Phelan Hallinan & Schmieg, LLP *v.* 992
McLaughlin *v.* United States 1029
McLean; French *v.* 951
McLean *v.* United States 946,1101
McLeod *v.* McLeod 1022
McManaman; Korab *v.* 976
McManaway; KBR, Inc. *v.* 1120
McMaryion *v.* United States 1200
McMaster *v.* United States 826
McMillan *v.* United States 913
McMurrin *v.* United States 936
McNab *v.* New York 868
McNabb *v.* Thomas 1082
McNamara *v.* California 911,1020
McNeese; Jones *v.* 1013
McNeil *v.* Federal Network Systems, LLC 810
McNeil *v.* Markuski 864
McNeil *v.* Massachusetts 999
McNeil *v.* McNeil 810,1046
McNeil *v.* United States 844,875
McPherron *v.* District Attorney of the County of Chester 970
McPherson *v.* New York 1063
McPherson *v.* United States 1158
McQuigg *v.* Bostic 875
McSwain; Harris *v.* 866
McSwain *v.* Jobs 1196
McVay, *In re* 1189
McVey *v.* United States 1080
Mead *v.* Cain 980
Mead *v.* Zweifel 978,1126
Mead; Zweifel *v.* 896
Meade *v.* United States 876
Mead Johnson & Co., LLC *v.* Johnson 992
Mealing *v.* Georgia Dept. of Juvenile Justice 1126
Meals *v.* United States 1001
Meas *v.* Massachusetts 858
Medearis *v.* Stephens 939
Medeiros; Martin *v.* 1170
Medeles-Cab *v.* United States 920
Medical Assn. of Ga. *v.* WellPoint, Inc. 1153
Medicine Blanket *v.* Miller 1053
Medina, *In re* 812

Page
Medina *v.* Puerto Rico 1011
Medina *v.* United States 1029,1183
Med–1 Solutions, LLC *v.* Suesz 1047
Medtronic, Inc.; Mirowski Family Ventures, LLC *v.* 934
Medunjanin *v.* United States 916
Meeks *v.* United States 859,864
Mehan; Speed *v.* 903,1110
Mehanna *v.* United States 814
Mejorado *v.* United States 914
Meko; Slone *v.* 1126
Melbie *v.* United States 944
Melchor *v.* United States 868
Melendez *v.* United States 1185
Meletis; Quincer *v.* 872
Melohn Properties, Inc.; Beljakovic *v.* 812
Melot *v.* United States 997
Melvin *v.* Felker 994
Membrides *v.* United States 918
Memorial Hospital of Gardena; Jackson *v.* 939,1056
Memphis; Jackson *v.* 830,1006
Mena *v.* United States 920
Mendez *v.* Hartley 1083
Mendez *v.* Washington 833
Mendez Contreras, *In re* 812
Mendonsa; Fletcher *v.* 1125
Mendoza-Cano *v.* United States 947
Mendoza-Cortez *v.* United States 1097
Menifee; Brooks *v.* 985
Mercado *v.* United States 898
Mercado-Aviles *v.* United States 909
Mercer; Thompson *v.* 1072,1193
Mercier *v.* Maine 840
Mercier; Stevens *v.* 906
Merck & Co., Inc.; Pop Test Cortisol, LLP *v.* 1041
Mercy Hospital; Winfield *v.* 833,1109
Meredith *v.* Lopez 836
Merino *v.* California 901
Merit Systems Protection Bd.; Barnes *v.* 901
Merit Systems Protection Bd.; Fields *v.* 914
Merit Systems Protection Bd.; Hall *v.* 976
Merit Systems Protection Bd.; Laguerra *v.* 973
Merit Systems Protection Bd.; Searcy *v.* 1024,1122
Merricks *v.* United States 1018
Merrimon *v.* Unum Life Ins. Co. of America 1136

Page
Merritt *v.* R&R Capital LLC 827
MetLife; Riley *v.* 820
Metropolitan Atlanta Rapid Transit Authority; Carson *v.* 1076
Metropolitan Atlanta Rapid Transit Authority; Clark *v.* 1076
Metropolitan Health Corp.; Scott *v.* 991
Metropolitan Hospital; Scott *v.* 991
Metropolitan Life Ins. Co.; Blair *v.* 1155
Metropolitan Life Ins. Co.; Riley *v.* 820
Metropolitan Police Dept.; Ham *v.* 1035
Metropolitan Wash. Airports Authority; Corr *v.* 1071
Mettle *v.* United States 983
Metyk *v.* Keycorp 1012
Metzgar; KBR, Inc. *v.* 1120
Metzger *v.* Metzger 1012
Meyer *v.* California 942
Meyer *v.* Thuesen 837
M & G Polymers USA, LLC *v.* Tackett 427
M. H.; D. M. *v.* 819
Miami-Dade County; Grimes *v.* 807
Miami-Dade County; Reeves *v.* 823
Miami-Dade County; Rolle *v.* 960
Miami-Dade County Public Schools; Beach-Mathura *v.* 827
Miami Univ.; Thrash *v.* 873
Michael *v.* United States 1200
Michaels *v.* New Jersey 1051
Michel *v.* California 1032
Michigan; Anderson *v.* 901
Michigan; Barner *v.* 995
Michigan; Cupples *v.* 869
Michigan; Dayson *v.* 994
Michigan; Dewald *v.* 1025
Michigan; Dye *v.* 834
Michigan; Echols *v.* 1030
Michigan; Elliott *v.* 1015
Michigan *v.* Environmental Protection Agency 1021,1067
Michigan; Haller *v.* 1195
Michigan; Howell *v.* 900
Michigan; Jacobson *v.* 997
Michigan; Johnson *v.* 990
Michigan; Lee *v.* 1013
Michigan; Li-Hua Wei *v.* 979
Michigan; Little *v.* 834
Michigan; Manning *v.* 909
Michigan; McCoy *v.* 852,1066

Page
Michigan; Pillette *v.* 964
Michigan; Reeves *v.* 832
Michigan; Rivera *v.* 1079
Michigan; Robinson *v.* 906,1086
Michigan; Runner *v.* 963,1067
Michigan; Shivers *v.* 941
Michigan; Singh *v.* 874
Michigan; Tibbs *v.* 911
Michigan; Tillman *v.* 865
Michigan; Unger *v.* 873
Michigan; Vinson *v.* 996
Michigan Bell Telephone Co.; Rowlett *v.* 980,1143
Michigan Circuit Ct. Schoolcraft Cty., Family Division; Pahnke *v.* 834
Michigan Dept. of Corrections; Kaplan *v.* 1062
Michigan Dept. of Human Services; Dodds *v.* 873
Michigan First Credit Union; Smith *v.* 961
Michigan Occupational Safety and Health Admin.; Lewis *v.* 962
Michigan Parole Bd.; Ward *v.* 809
Microsoft Corp.; MiniFrame Ltd. *v.* 924
Middleton *v.* McDonald 817
Middleton *v.* Missouri 1174
Middleton *v.* South Carolina 881
Middleworth *v.* Washington 985
Mid-South Institute of Self Defense Shooting, Inc. *v.* Ghane 821
Midwest Terminals of Toledo, Int'l, Inc. *v.* Longshoremen 826
Mierop *v.* United States 1052
Miezin *v.* United States 1159
Miguel Diez *v.* United States 862
Miguel Hilario *v.* English 916
Miguel Rocha *v.* Arizona 1085
Mikolaities; Matthews *v.* 915
Milat *v.* Holder 1136
Milby *v.* United States 1104
Miles *v.* United States 824,936,1042
Milione *v.* City Univ. of N. Y. 1076
Millan-Arteaga *v.* United States 860
Millan-Artega *v.* United States 860
Miller *v.* Adams 844
Miller *v.* Biter 877
Miller; Blanket *v.* 1053
Miller *v.* Carolinas Healthcare System 811,1014
Miller *v.* Deutsche Bank National Trust Co. 1170
Miller *v.* Goldendale 848
Miller; Gonzales Gallegos *v.* 868

Page
Miller; Hudson *v.* 1196
Miller; Jackson *v.* 1124
Miller *v.* Janecka 883
Miller; Medicine Blanket *v.* 1053
Miller *v.* Milner 832
Miller; Rivenburgh *v.* 1087
Miller; Simmons *v.* 891
Miller *v.* United States 893,977,1088,1095,1202
Miller; Verdugo *v.* 1094
Miller; Warren *v.* 1088,1187
Miller *v.* Wofford 1085
Millis *v.* Cross 1180
Mills *v.* United States 856
Milner; Miller *v.* 832
Milwaukee; Carter *v.* 818
Milwaukee; Sutterfield *v.* 993
Milwaukee Health Services, Inc.; Williams *v.* 910,1044
M & I Marshall & Ilsley Bank; Zinni *v.* 811,1029
MINACT, Inc. *v.* Missouri Director of Revenue 935
Minaj; Hayes *v.* 923,1020
Mincoff *v.* United States 950
Minerals Development & Supply Co. *v.* Superior Silica Sands . . 873,988
Ming Yeh *v.* Biter 996
MiniFrame Ltd. *v.* Microsoft Corp. 924
Mink *v.* United States 888
Min Kim *v.* Beard 823
Minnesota; B. A. H. *v.* 885
Minnesota; Garrett *v.* 826
Minnesota; Husten *v.* 1175
Minnesota; Kim Thul Ouk *v.* 1169
Minnesota; Lynch *v.* 884
Minnesota; Mosley *v.* 1140
Minnesota; Patterson *v.* 974
Minnesota; Roberson *v.* 1091
Minnesota; Roman Nose *v.* 880
Minnesota; Selle *v.* 1135
Minnesota; Weiss *v.* 862,1043
Minnesota Second Judicial Dist., Special Courts Div.; Soto *v.* . . 1085,1187
Minter; Simmons *v.* 1088
Miranda *v.* Byles 934,1056
Mirowski Family Ventures, LLC *v.* Medtronic, Inc. 934
Miskovsky *v.* Jones 1078
Mississippi; Chapman *v.* 943
Mississippi; Gray *v.* 839

Page
Mississippi; Holder *v.* 942
Mississippi; Ivey *v.* 1170
Mississippi; Johnson *v.* 1168
Mississippi; Keller *v.* 1159
Mississippi; Rice *v.* 861
Mississippi; Rogowski *v.* 1122
Mississippi; Stallworth *v.* 887,1044
Mississippi; Tarvin *v.* 1083
Mississippi *v.* Tennessee 957
Mississippi; Walsh *v.* 1095
Mississippi; Whitaker *v.* 1123
Mississippi Band of Choctaw Indians; Dollar General Corp. *v.* . . . 809
Mississippi Dept. of Health *v.* Brown 816
Mississippi Dept. of Health; Brown *v.* 816
Mississippi Power Co., Inc.; Hobgood *v.* 936
Missouri; Collins *v.* 1160
Missouri; Goodwin *v.* 1057
Missouri; Middleton *v.* 1174
Missouri; Rentschler *v.* 830
Missouri; Sanchez *v.* 807
Missouri; Taylor *v.* 980
Missouri; Zink *v.* 1161
Missouri Bd. of Parole; Thompson *v.* 1017
Missouri Bd. of Probation and Parole; Murphy *v.* 1165
Missouri Dept. of Corrections; Thrasher *v.* 1059
Missouri Dept. of Social Services, Children's Div.; B. T. W. *v.* 900
Missouri Director of Revenue; Amick *v.* 891
Missouri Director of Revenue; MINACT, Inc. *v.* 935
Missouri Gas Energy *v.* Kansas Division of Property Valuation 814
Missud *v.* Oakland Coliseum Joint Venture 856
Mitchell *v.* Clarke 1034
Mitchell *v.* Delaware 862
Mitchell *v.* Director, Office of Workers' Compensation Programs 1050
Mitchell *v.* Donahoe 810
Mitchell; Douglas *v.* 1172
Mitchell *v.* Georgia 961
Mitchell *v.* Haas 938,1110
Mitchell *v.* Illinois 833
Mitchell *v.* New York Dept. of Correctional Services 1138
Mitchell; Scoggins *v.* 1100
Mitchell *v.* United States 861,986,1080
Mitchell *v.* University Medical Center, Inc. 941
Mitchell *v.* University of Louisville Hospital 941
Mitrano *v.* United States 1048

Page
Mizukami *v.* American Home Mortgage Servicing 987,1110
Mizukami *v.* Don Quijote (USA) Co. Ltd. 976,1110
M. J. *v.* Washington Univ. in St. Louis Physicians ... 957,1060,1120,1160
MM&A Productions, LLC *v.* Yavapai-Apache Nation 1061
Mock *v.* United States 1100
Mohammed *v.* United States 1002
Mohr; Shepherd *v.* 1182
Mohsen, *In re* 1190
Moleski *v.* United States 1077
Molin; Scheffler *v.* 884
Molina *v.* Aurora Loan Services LLC 1062
Molina Varela *v.* United States 1036
Mollen Immunization Clinic; Shallow *v.* 845
Monbo *v.* Manufacturers & Traders Trust Co. 940
Moncada-Delarosa *v.* United States 1176
Moncier *v.* Haslam 1062
Mongelli, *In re* 806
Moniz; Foote *v.* 811,1029
Monjaras-Negrete *v.* United States 921
Monjaras-Pichardo *v.* United States 1199
Monn *v.* Gettysburg Area School Dist. 974
Monongalia County; Gorbey *v.* 1188
Montana; Ellenburg *v.* 848,1043
Montana; Garding *v.* 863
Montana; Spinks *v.* 997
Montana *v.* Wyoming 1150
Montana Dept. of Public Health and Human Servs.; A. G. *v.* 1087
Montanez *v.* FICO 976
Montanez *v.* Wolfenberger 1050
Montelongo *v.* United States 915
Montes *v.* Arizona 885,1043
Montes *v.* California 1081
Montgomery; Albarran *v.* 1032
Montgomery *v.* Ames 885
Montgomery; Barajas *v.* 864
Montgomery; Boutte *v.* 982
Montgomery; Esparza *v.* 1090
Montgomery; Kamack *v.* 1087
Montgomery; Leon *v.* 1063
Montgomery; Sampson *v.* 833
Montgomery *v.* U. S. Postal Service 960,1056
Montgomery; Wilkerson *v.* 853
Montgomery; Yepez Lopez *v.* 895
Montgomery County Sheriff's Office; Smith *v.* 810

Page
Montmagno; Agrawal *v.* 1156
Monzingo *v.* McDonald 875,1043
Moody *v.* Chappell 940
Moody *v.* Ohio 1198
Moody *v.* Thomas 977
Moody *v.* United States 1000
Moore, *In re* 932
Moore *v.* Georgia-Pacific Corp. 879
Moore *v.* Harris 807
Moore *v.* Pennsylvania 1065,1203
Moore; Prousalis *v.* 1078
Moore *v.* Steward 946
Moore; Tapke *v.* 996
Moore *v.* United States 806,892,909,989,996,1000,1180
Moorer *v.* Universal Protection Service 1124
Moores *v.* Hildes 814
Mora *v.* McEwen 877
Moral *v.* Hagen 932
Morales *v.* California 1089
Morales *v.* Florida 977
Morales-Ayala *v.* United States 1095
Morales-Gomez *v.* United States 850
Morawski *v.* United States 908
Moreno Carbajal *v.* United States 843
Moreno-Pretel *v.* United States 947
Moretti *v.* Wyeth, Inc. 1160
Morfin-Diaz *v.* United States 867
Morgan *v.* Addison 1194
Morgan; Chappell *v.* 1166,1193
Morgan; Comer *v.* 1172
Morgan; Stoutamire *v.* 927
Morgan *v.* United States 860,993
Morgan; Whiteside *v.* 1161
Morgan Stanley Smith Barney, LLC; Foley *v.* 974
Morganti *v.* Massachusetts 933
Morissette *v.* Adams 1173
Morris *v.* Illinois 858
Morris *v.* Orleans Hotel and Casino 979
Morris *v.* United States 904,965
Morrison *v.* Kache 1064
Morrison *v.* Vaughan 857
Morrow *v.* Donahoe 983,1111
Morrow *v.* Tennessee 1199
Mortensen *v.* United States 1202

Page
Mortgage Bankers Assn.; Nickols *v.* 989
Mortgage Bankers Assn.; Perez *v.* 989
Mortgage Electronic Registration Systems, Inc.; Burkart *v.* 818
Mortgage Electronic Registration Systems, Inc.; White *v.* 1168
Morton *v.* Bank of America, N. A. 1071
Moser *v.* Marie 1006
Moser Rides, S. R. L.; Lowery Carnival Co., Inc. *v.* 1158
Moses *v.* Pier 1 Imports, Inc. 1081
Moses *v.* Texas Workforce Comm'n 1046
Moses *v.* United States 1202
Mosier *v.* Florida 981
Mosley *v.* Minnesota 1140
Mosley *v.* United States 877,884
Motes *v.* United States 1036
Mothershed *v.* Oklahoma *ex rel.* Okla. Bar Assn. 988
Motors Liquidation Co. GUC Trust; Creamer *v.* 1030,1111
Motors Liquidation Co. GUC Trust; Shah *v.* 1159
Mount Sinai School of Medicine; Wen Liu *v.* 1032,1143
Mount Vernon City School Dist. Bd. of Ed.; Freshwater *v.* 816
Mozie *v.* United States 967
M. R.; Ridley School Dist. *v.* 809
MRC Innovations, Inc. *v.* Hunter MFG., LLP 868
MRR Sandhills, LLC *v.* Marlboro County 1136
Mubdi *v.* United States 1142
Muhammad *v.* HSBC Bank USA, N. A. 927
Muhammad *v.* Luzerne County Children and Youth Services 1162
Muhammad *v.* Superior Court of Cal., Contra Costa County 1017
Muhammad *v.* Vaughn 1124
Mui *v.* United States 1109
Mujaddid *v.* U. S. District Court 854
Mujica *v.* United States 1102
Muldrow *v.* United States 854
Mulero-Torres *v.* United States 909
Mullin; Bertrand *v.* 934
Mullin; Cleveland *v.* 962
Mullins *v.* Crews 885
Mu'Min *v.* Simmons 1087
Mungro *v.* United States 1036
Municipal Mortgage & Equity, LLC; Dammeyer *v.* 822
Muniz; Sanchez *v.* 1098
Muniz-Figueroa *v.* United States 1097
Munoz *v.* Balcones Heights 936,1067
Munoz *v.* California 993
Munoz *v.* Seton Healthcare, Inc. 882

Page
Munoz *v.* Seton Health Network 882
Murphy; Heffner *v.* 871
Murphy *v.* Missouri Bd. of Probation and Parole 1165
Murphy *v.* North Dakota 1008
Murphy *v.* Sloan 1136
Murphy; Tatum *v.* 996
Murphy *v.* United States 877,891
Murray *v.* California 996
Murray *v.* Texas 1168
Murray *v.* United States 862,942,1067
Muse; Goodman *v.* 865
Musgrave; Opiyo *v.* 1065
Musgrove *v.* United States 946
Muskin *v.* United States 1098
Mustafa *v.* United States 916
Muzio *v.* United States 948,1111
Myers *v.* Bureau of Prisons Mailroom Staff 1124
Myrick; Roberts *v.* 994,1143
Myrick; Sanders *v.* 1140
Myrick *v.* WellPoint, Inc. 1192
N. *v.* Lancaster County Children and Youth Services 1163
Nacino; Ogeone *v.* 803
NACS *v.* Board of Governors of the Federal Reserve System . . . 1121
Nadeau; Detroit International Bridge Co. *v.* 1155
Naegele *v.* Albers 1136
Naftzger *v.* Louisiana 830
Nagy *v.* United States 1101
Najarro-Ramirez *v.* Holder 811
Nakagawa *v.* Colorado 1096
Nakakuni; Ogeone *v.* 845
Nakaya *v.* Allison 1065
Nalls, *In re* 931
Nance *v.* Atkinson 1188
Nansen, *In re* 1188
Napper *v.* Georgia 1163
Naquin *v.* Elevating Boats, L. L. C. 933
Naquin; Elevating Boats, L. L. C. *v.* 1152
Naranjo *v.* Arizona 836
Naselsky *v.* United States 874
Nash *v.* Maryland 911
Natalie D. *v.* Kouwabunpat 808,1082
Nathan *v.* Ohio State Univ. 1078
National Casualty Co., Inc.; DeVone *v.* 942
National Council of State Bds. of Nursing, Inc.; Turner *v.* 934

Page
National Credit Union Admin. Bd.; Nomura Home Equity Loan *v.* 1074
National Heritage Foundation, Inc. *v.* Highbourne Foundation . . . 1076
National Labor Relations Bd.; Johnson *v.* 939,1044
National Mining Assn. *v.* Environmental Protection Agency . . 1021,1067
Nationstar Mortgage LLC; McElvy *v.* 1138
Nationwide Mut. Ins. Co.; Ames *v.* 1074
Native Wholesale Supply *v.* Oklahoma *ex rel.* Pruitt 1192
Natural Chem Holdings, LLC *v.* New Energy Corp. 818
Natural Resources Defense Council; Glenn-Colusa Irrig. Dist. *v.* 1011
Nau; Little *v.* 1140
Navar *v.* Hollingsworth 925
Navarette *v.* United States 903
Navarettee *v.* United States 1142
Navarrette *v.* Texas 1086
Navarro Flores *v.* United States 899
Navellier *v.* Manalapan 1154
Neal *v.* United States 1094
Nebraska; Jacob *v.* 840
Nebraska; Kansas *v.* 445
Nebraska; Knutson *v.* 1197
Nebraska *v.* Mantich 921
Nebraska; Purdie *v.* 1071
Nebraska; Rice *v.* 856
Nebraska; Ryan *v.* 1080
Neely; Hemphill *v.* 865
Neely; Smith *v.* 839
Neff *v.* Diaz 835
Negron-Bennett *v.* McCandless 1051
Neil *v.* Jones 1134
Nelson *v.* Florida 1033
Nelson *v.* United States 1035
Nesbitt, *In re* 1189
Nesbitt *v.* Houston 913
Nesby *v.* Texas 979,1133
Netco, Inc.; Mayes *v.* 823
Neto *v.* U. S. District Court 944
Neuhauser *v.* United States 1062
Nevada; Bynoe *v.* 888
Nevada; Herrada-Gonzalez *v.* 1172
Nevada; O'Keefe *v.* 1084
Nevada; Polk *v.* 1161
Nevada; Scott *v.* 1089
Nevada; Slaughter *v.* 857
Nevada Dept. of Taxation; Sapphire *v.* 1157

Page
Nevada Dept. of Taxation; SHAC, LLC *v.* 1157
Nevarez *v.* Ducart 914
Neven; Elizondo *v.* 997
Neven; Rowland *v.* 859
Neven; White *v.* 1172
Nevils; Coventry Health Care of Mo., Inc. *v.* 808
Nevils; Group Health Plan, Inc. *v.* 808
Newark Housing Authority; Armour *v.* 849
Newark Housing Authority; Drummer *v.* 981
Newberry *v.* Stephens 1144
Newdow *v.* Peterson 1079
Newell *v.* Crews 1030
Newell; Lindner *v.* 1151
New Energy Corp.; Natural Chem Holdings, LLC *v.* 818
New Hampshire; Jur *v.* 905
New Hampshire *v.* McKenna 1191
New Hampshire; Perry *v.* 1192
New Jersey; Ates *v.* 935
New Jersey; Bomani *v.* 1140
New Jersey; Burr *v.* 995,1111
New Jersey; Cibelli *v.* 962
New Jersey; Coar *v.* 1091
New Jersey; Harris *v.* 866
New Jersey; Hasher *v.* 1088
New Jersey; Michaels *v.* 1051
New Jersey; Rashid *v.* 1086
New Jersey; Waverly *v.* 935
New Jersey Transit Corp.; Barnett *v.* 1072,1193
Newkirk *v.* Shaw 878
Newman *v.* United States 967,1192
New Mexico; Bustillos *v.* 992
New Mexico *v.* Schwartz 1184
New Mexico; Texas *v.* 808,972
Newmy *v.* Johnson 1047
New Orleans; Jackson *v.* 869
New Orleans; Kagan *v.* 1153
New Orleans *v.* New Orleans Fire Fighters Pension Fund 825
New Orleans Fire Fighters Pension Fund; New Orleans *v.* 825
Newport; Cannon *v.* 1197
Newport Beach *v.* Pacific Shores Properties, LLC 974
Newton *v.* United States 891,918
New York; Adams *v.* 840
New York; Allan *v.* 1138
New York; Baret *v.* 1085

Page
New York; Bernard D. *v.* 1150
New York; Calaff *v.* 907
New York; Cortez *v.* 858
New York; Crewe *v.* 1137
New York; D'Antuono *v.* 1022
New York; Dockery *v.* 893
New York; Golb *v.* 1079
New York *v.* Gonzales 973
New York; Griffith *v.* 917
New York; Gumbs *v.* 857
New York; Harris *v.* 893
New York; Matias *v.* 1174
New York; McNab *v.* 868
New York; McPherson *v.* 1063
New York; Retamozzo *v.* 886
New York; Shields *v.* 995
New York; Slavin *v.* 878
New York; Stockbridge-Munsee Community *v.* 1190
New York *v.* Theodore 1073
New York; Thomas *v.* 840,1195
New York; Tirado *v.* 877
New York; Upson *v.* 962
New York City; Evergreen Assn., Inc. *v.* 973
New York City; Expectant Mother Care Pregnancy Centers *v.* 973
New York City; Gray *v.* 1155
New York City; Jones *v.* 810,1059
New York City; Kelly *v.* 1185
New York City; Pregnancy Care Center of N. Y. *v.* 973
New York City; Rosu *v.* 1026
New York City Human Resources Administration; Clark *v.* 915
New York City Taxi & Limousine Comm'n; Clayton *v.* 1151
New York Dept. of Correctional Services; Mitchell *v.* 1138
New York Institute of Technology; Kalyanaram *v.* 820,1042
New York State Division of Parole; McCray *v.* 901
New York State Higher Ed. Services Corp.; Bell *v.* 1151
New York Stock Exchange; O'Callaghan *v.* 871
New York Univ.; Whitaker *v.* 833
Nextera Energy Point Beach, LLC *v.* Electrical Workers 1121
Ngari *v.* United States 846
Nghiem *v.* Kerestes 1089
Ngo *v.* Holloway 836
Ngoc Nghiem *v.* Kerestes 1089
Nguyen *v.* Pham 1025,1123
Nguyen *v.* United States 903,999,1036,1090

Page
Nguyen Vu *v.* Evers 1172
Nguyen Vu *v.* Pennsylvania 1065,1187
Nhuong Van Nguyen *v.* Pham 1025,1123
Niblock *v.* United States 971,1059
Nicaj *v.* Shoe Carnival, Inc. 1156
Nichols *v.* Heidle 1025
Nichols *v.* Holder 824
Nickerson *v.* Ginsel 957
Nickols *v.* Mortgage Bankers Assn. 989
Nickson *v.* United States 944
Nicot *v.* Crews 887
Nieves *v.* Delaware 938
Niska; Clayton *v.* 1152
Nivia *v.* Bank United 1075
Nixon; Chambers *v.* 1033
Nixon *v.* Goldman Sachs Mortgage Corp. 809
Nixon; Roberts *v.* 1161
Nixon *v.* U. S. District Court 809
Njonge *v.* Washington 1065
Njos *v.* Bourn 1081
Noble *v.* Florida 868,879
Noble *v.* Lear Siegler Services, Inc. 890
Noble *v.* United States 1133
Nobrega *v.* United States 856
Nolley *v.* Texas 901
Nomura Home Equity Loan *v.* National Credit Union Admin. Bd. 1074
Nooth; Brown *v.* 1198
Nooth; Davis *v.* 896
Nooth; Voits *v.* 1034
Nooth; Young *v.* 931
Norfleet *v.* Spiller 943,1111
Norkin *v.* Florida Bar 827
Norman; Hawkins *v.* 962
Norman *v.* United States 1000
Normand; Gross *v.* 1195
Norris *v.* May 854
Norris; Paige *v.* 1157
Norristown; Sweetman *v.* 842
North Carolina; Barnhill *v.* 1139
North Carolina; Heien *v.* 54
North Carolina *v.* League of Women Voters of N. C. 927
North Carolina; Locklear *v.* 983
North Carolina; Marshall *v.* 1091
North Carolina; Rollins *v.* 851

Page
North Carolina; Sutton *v.* 1065,1187
North Carolina; Verkerk *v.* 976
North Carolina Dept. of Admin.; Huggins *v.* 911
North Carolina Dept. of Juvenile Justice; Chambers *v.* 883
North Carolina State Bd. of Dental Examiners *v.* FTC 494
North Dakota; Holbach *v.* 984
North Dakota; Murphy *v.* 1008
North Dakota Workforce Safety and Ins.; Frith *v.* 1027,1125
Northern Building Co. *v.* Hanover Ins. Co. 875,1043
Northern Ky. Univ.; Algie *v.* 1025
North Las Vegas *v.* 5th & Centennial, LLC 1027
Northmarq Capital, LLC; Chetty Holdings, Inc. *v.* 822
Northwest Farm Credit Services; Hirsch *v.* 896,1044
Norton *v.* United States 850,1179
Norton Simon Museum of Art at Pasadena *v.* Von Saher 1121
Norwood *v.* Illinois 940
Norwood *v.* United States 923,925
Nosal, *In re* 806
Nose *v.* Minnesota 880
Nott *v.* United States 1142
Novel Laboratories, Inc.; Braintree Laboratories, Inc. *v.* 1048
Novo Point LLC; Baron *v.* 808
Novo Point LLC *v.* Vogel 974
Nowak *v.* Pelc 870,1043
Numrich *v.* Warner 838
Nunes *v.* United States 847
Nunez-Chavez *v.* United States 1097
Nunez-Guzman *v.* United States 911
Nunn *v.* Evans 834
Nunn *v.* Florida 848
Nuttall and Assoc.; Jones *v.* 977,1110
O. *v.* Lutheran Family Services of Colo., Inc. 841
Oakland Coliseum Joint Venture; Missud *v.* 856
Oakland Unified School Dist.; Hodge *v.* 992
Oakley; Clark *v.* 943
Obama; Ali *v.* 848
Obama; Ayres *v.* 839
Obama; Graven *v.* 1033
Obama; Johnson *v.* 923
OBB Personenverkehr AG *v.* Sachs 1133
Obenland; Rhome *v.* 846
Obergefell *v.* Hodges 1118
O'Berry *v.* United States 1054
Obojes *v.* Crews 892

Page
Obregon *v.* United States 1177
Obriecht *v.* Raemisch 879
O'Brien *v.* King 959
O'Brien; Rivas Alvarez *v.* 920
O'Brien *v.* Wisconsin 993
O'Callaghan *v.* New York Stock Exchange 871
Ocampo *v.* California 983
Ocasio *v.* United States 1190
Ochoa; Ramon Ochoa *v.* 971,1072
Ochoa *v.* Rubin 971,1072
Ochoa *v.* Rubin Ochoa 971,1072
Ochoa *v.* United States 976
O'Connor *v.* Virginia 805,970
O'Dell; Sabree *v.* 981
Odilon Lopez *v.* Spearman 981
Oelbaum; Mahon *v.* 825
Office Max North America, Inc.; Carr-Stephenson *v.* 1126,1203
Office of Personnel Management; Gossage *v.* 1150
Office of Personnel Management; Whitby *v.* 811,1080
Ogeone *v.* Nacino 803
Ogeone *v.* Nakakuni 845
Ogle *v.* Ohio 810,1011,1109
Ohio; Arnold *v.* 1015
Ohio; Barnette *v.* 898
Ohio; Bunch *v.* 859
Ohio *v.* Clark 1009,1071
Ohio; Creech *v.* 899
Ohio; Davis *v.* 1202
Ohio; Draughon *v.* 1051
Ohio; Dukles *v.* 961,1143
Ohio; Evans *v.* 898
Ohio; Gilbert *v.* 865
Ohio; Mammone *v.* 1084
Ohio; Maxwell *v.* 1160
Ohio; Moody *v.* 1198
Ohio; Ogle *v.* 810,1011,1109
Ohio; Salim *v.* 1033
Ohio; Secessions *v.* 1126
Ohio; Smith *v.* 1191
Ohio; Werber *v.* 940
Ohio Adult Parole Authority; Pesci *v.* 837
Ohio Bureau of Motor Vehicles; Livingston *v.* 932
Ohio State Univ.; Nathan *v.* 1078
Ohio State Univ.; Siegler *v.* 1092

Page
Ojile *v.* Indiana 1087
O'Keefe *v.* Nevada 1084
Oklahoma; Fortune *v.* 862
Oklahoma; Perez *v.* 881,1143
Oklahoma Bar Assn.; Mothershed *v.* 988
Oklahoma *ex rel.* Okla. Bar Assn.; Mothershed *v.* 988
Oklahoma *ex rel.* Pruitt *v.* Burwell 1142
Oklahoma *ex rel.* Pruitt; Native Wholesale Supply *v.* 1192
Okoh *v.* Clarke 1161
Oladosu *v.* United States 842
Old Chief *v.* Feather 1104
O'Leary; Martinez *v.* 1099
Olender; Ray *v.* 845,1020
Olic *v.* California 1050
Oliva *v.* Crews 1035
Oliver *v.* BankFirst 979,1133
Oliver; Holz *v.* 1185
Oliver *v.* United States 1036
Oliver *v.* Wall 848
Oliver; Whitt *v.* 844
Ollivier *v.* Washington 834
Olloque *v.* United States 1065
Olsen; Smith *v.* 834,1109
Olsen *v.* Washington 912
Olson *v.* Chicago 870
Olsson *v.* United States 861
O'Malley *v.* United States 963
Omnicare, Inc.; United States *ex rel.* Rostholder *v.* 819
O'Neal *v.* Bagley 833
O'Neil *v.* United States 1101
Oneok, Inc. *v.* Learjet, Inc. 1059
One World Technologies, Inc.; Caluori *v.* 870
Onyeabor *v.* LEBR Associates, LLC 871
Opiyo *v.* Boehm 1052
Opiyo *v.* Musgrave 1065
Opoku-Agyemang *v.* United States 1000
Opoku-Bamfo *v.* Holder 1197
Oppy; Davis *v.* 1093
Oppy; Small *v.* 835
Oracle America, Inc.; Google, Inc. *v.* 1071
Orange County; Thomas *v.* 1165
Oregon; Adams *v.* 1172
Oregon; Clark *v.* 836
Oregon; Jeffrey *v.* 836

Page
Oregon; Thomas *v.* 940,1110
Oregon; Thunderbird *v.* 1017
Oregon; Washington *v.* 1016
Oregon Bd. of Parole and Post-Prison Supervision; Blackford *v.* 1166
Oregon Bd. of Parole and Post-Prison Supervision; McClure *v.* . . 1015
Orleans Hotel and Casino; Morris *v.* 979
Ormand; Marshall *v.* 1050
Ornelas *v.* Sandor 1163
Ornelas-Castro *v.* United States 852,1109
Orona *v.* United States 853
Orpiada *v.* McDaniel 995
Ortega *v.* Immigration and Customs Enforcement 814
Ortega *v.* Virginia 1173
Ortiz *v.* Adams 831
Ortiz *v.* Almager 1099
Ortiz *v.* Crews 831
Ortiz *v.* Pennsylvania 894
Ortiz *v.* United States 914,1183
Ortiz-Baez *v.* United States 948
Ortiz-Figueroa *v.* United States 854
Ortiz-Graulau *v.* United States 1172
Ortiz Lazaro *v.* United States 914
Ortiz-Rojas *v.* United States 1096
Otter *v.* Latta 929
Ouk *v.* Minnesota 1169
Outlaw; Howard *v.* 1170
Overton *v.* United States 912
Owens; Dart Cherokee Basin Operating Co. *v.* 81
Owens; Hearn *v.* 1026
Owens; Hill *v.* 980
Owens *v.* Illinois 1194
Owens *v.* United States 1003
Owings *v.* United States 1179
Oyegoke-Eniola *v.* United States 1184
Ozinal, *In re* 813
P. *v.* Catholic Diocese of Kansas City-St. Joseph 969
P.; T. D. I. *v.* 1027
Pablo Gutierrez *v.* United States 916
PAC Anchor Transportation, Inc. *v.* California *ex rel.* Harris 1153
PAC Anchor Transportation, Inc. *v.* Harris 1153
Pacheco *v.* California 913
Pacific Arches Corp.; Wanton *v.* 831
Pacific Parking Systems, Inc.; Martin *v.* 1076
Pacific Shores Properties, LLC; Newport Beach *v.* 974

Page
Paddy *v.* Wetzel 1016
Padilla *v.* Colvin 810
Padilla; ProtectMarriage.com-Yes on 8 *v.* 1190
Padilla *v.* United States 1123
Padilla-Batres *v.* United States 861
Padron-Steele *v.* United States 888,985
Padula; Caesar *v.* 1083
Padula; Holley *v.* 865
Padula; Roberson *v.* 841
Paez-Vega *v.* United States 898
Page *v.* Martuscello 943
Pahnke *v.* Michigan Circuit Ct. Schoolcraft County, Family Div. 834
Paige *v.* Norris 1157
Paige *v.* Stephens 938
Pajaro Valley Unified School Dist.; E. M. *v.* 1079
Paladin *v.* United States 1019
Palm Beach County Planning; Mantz *v.* 846
Palmer; Blair *v.* 1194
Palmer *v.* Doe 1046,1079
Palmer; Jones *v.* 904
Palmer; Pillars *v.* 876
Panasonic Corp. *v.* Samsung Electronics Co., Ltd. 1121
Pandey *v.* Hickenlooper 833,1066
Panel Processing, Inc.; Sexton *v.* 1011
Panetti, *In re* 1072
Panetti *v.* Stephens 827
Panetti *v.* Texas 1099
Paniagua *v.* Dail 893
Paniagua *v.* Gipson 1137
Paramo; Barno *v.* 867
Paramo; Ivy *v.* 901
Paramo; Jensen *v.* 983
Paramo; Pesqueira *v.* 843,1109
Paramo; Shukry *v.* 1088
Paredes *v.* Stephens 969
Paris *v.* United States 1159
Park *v.* United States 883
Parker *v.* Cooper Tire & Rubber Co. 826
Parker *v.* Florida 884
Parker *v.* Tatum 1165
Parker *v.* United States 863,912,917
Parker *v.* U. S. Bank N. A. 1151
Parkin *v.* United States 908
Parks *v.* James 1163

Page
Parks *v.* Jordan 1182
Parlier *v.* United States 985
Parnell *v.* Hamby 951
Parra *v.* Coconut Grove Bank 1061
Parris *v.* United States 917
Parsons; Hunter *v.* 1087
Partman *v.* United States 1017
Parton *v.* United States 914
Pash; Woods *v.* 1166
Paskauskiene *v.* Texas Workforce Comm'n 846
Pasquale *v.* Pasquale 976,1110
Pastrana; Vernon *v.* 1199
Pastrana; Wright *v.* 920
Pate *v.* United States 945
Patel; Los Angeles *v.* 958,1147
Patent and Trademark Office; Geller *v.* 1073
Patent and Trademark Office; Haase *v.* 811,1029
Patent and Trademark Office; MadStad Engineering, Inc. *v.* 1152
Patino *v.* Rhode Island 1081
Patkins *v.* Gonzales 840,1020
Patrick *v.* Grounds 1197
Patterson *v.* Illinois 832
Patterson; Maples *v.* 1064
Patterson *v.* Minnesota 974
Patterson *v.* Pennsylvania 1160
Patterson *v.* Rader 1173
Patterson *v.* United States 1036,1183
Patton; Doe *v.* 1058,1167
Patton; Evans *v.* 994
Paul *v.* Florida 996
Paul *v.* LaValley 860
Paul *v.* United States 882,1000
Pavon Aguilar *v.* United States 1029
Pawley *v.* Crews 1031
Payan *v.* United States 829,1100
Payne; Markeson *v.* 817
Payne *v.* Virga 1011
Paz *v.* Pennsylvania 1090
Peach, *In re* 973
Pearl River Polymers, Inc.; Haase *v.* 810,1028
Pearson *v.* Commercial Bank of Ozark 1033
Pearson; Edwards *v.* 885
Peary *v.* DC Comics 923
Pedraza-Mendoza *v.* United States 1097

Page
Peel *v.* United States 998
Peer; Lewis *v.* 1136
Peerman *v.* United States 1035
Pego *v.* United States 811
Pei-Yu Yang *v.* Marshack 931,1062
Pelc; Nowak *v.* 870,1043
Pelletier *v.* Virginia 912
Pelumi *v.* Gateway Healthcare 1167
Pelusi; Taylor *v.* 816,1055
Pena *v.* Ives 860
Pena *v.* Prelesnik 1089
Pendleton *v.* Wingard 1164
Peninger *v.* United States 936
Penley *v.* Joyner 961
Pennings *v.* California 1031
Pennington-Thurman *v.* Bank of America, N. A. 1034,1187
Pennsylvania; Ali *v.* 1026
Pennsylvania; Anderson *v.* 855
Pennsylvania; Armstrong *v.* 908
Pennsylvania; Arrington *v.* 994
Pennsylvania; Banks *v.* 938
Pennsylvania; Beal *v.* 842
Pennsylvania; Blunt *v.* 1125
Pennsylvania; Brown *v.* 892
Pennsylvania; Burno *v.* 1193
Pennsylvania; Credico *v.* 1045
Pennsylvania; Diamond *v.* 857
Pennsylvania; Douros *v.* 820
Pennsylvania; Drummond *v.* 906
Pennsylvania; Eliezer Ortiz *v.* 894
Pennsylvania; Elliott *v.* 828
Pennsylvania; Evans *v.* 1177
Pennsylvania; Flowers *v.* 901
Pennsylvania; Hairston *v.* 863
Pennsylvania; Himchak *v.* 810,989
Pennsylvania; Houssels *v.* 1154
Pennsylvania; Laudenberger *v.* 963
Pennsylvania; Lester *v.* 1026
Pennsylvania; Malloy *v.* 1160
Pennsylvania; Mattison *v.* 890
Pennsylvania; McCracken *v.* 1052
Pennsylvania; Moore *v.* 1065,1203
Pennsylvania; Nguyen Vu *v.* 1065,1187
Pennsylvania; Patterson *v.* 1160

Page
Pennsylvania; Paz *v.* 1090
Pennsylvania; Perez *v.* 994
Pennsylvania; Provitt *v.* 828
Pennsylvania; Roney *v.* 829
Pennsylvania; Sanchez *v.* 860
Pennsylvania; Simmons *v.* 939
Pennsylvania; Snyder *v.* 992,1110
Pennsylvania; Spuck *v.* 894,1110
Pennsylvania; Strzelczyk *v.* 1094
Pennsylvania; Towles *v.* 1193
Pennsylvania; Webb *v.* 831
Pennsylvania; Wright *v.* 1173
Pennsylvania Dept. of Public Welfare; R. R. *v.* 835
People Care Inc.; McCoy *v.* 888
Peralta *v.* Dillard 1073
Peralta-Mejia *v.* United States 1029
Perdue *v.* California 835
Perdue *v.* Donahue 859
Peregrina *v.* Knipp 1085
Pereira *v.* Regions Bank 1028
Perez; Beauchamp *v.* 1096
Perez; Cortez *v.* 843
Perez *v.* Mortgage Bankers Assn. 989
Perez *v.* Oklahoma 881,1143
Perez *v.* Pennsylvania 994
Perez *v.* Stephens 958,1064
Perez *v.* United States 986,1003,1019
Perez-Aleman *v.* United States 1096,1187
Perez-Crespo *v.* United States 946
Perez-Lopez *v.* United States 1183
Perez-Perez *v.* United States 844
Perez-Prado *v.* United States 1001
Perez Santiago *v.* California 1139
Perez-Valencia *v.* United States 853
Perez-Villarreal *v.* United States 1098
Pericles *v.* United States 1017
Perkins *v.* Alabama 830
Perkins; Rodgers *v.* 1169
Perkins *v.* United States 879
Perkins *v.* Wells Fargo Bank, N. A. 959
Permenter *v.* Crews 882
Peroulis; Kriston *v.* 877
Perritt; Blake *v.* 1162
Perritt; Williams *v.* 1125

Page
Perry *v.* McDonald 1176
Perry *v.* New Hampshire 1192
Perry *v.* United States 965,1098,1180
Perry; Veasey *v.* 951
Perry *v.* Virginia 821
Persaud *v.* Florida 1124
Persson; Romero *v.* 833
Pesci *v.* Ohio Adult Parole Authority 837
Pese *v.* Runnels 839
Pesqueira *v.* Paramo 843,1109
Peteet *v.* United States 1200
Peters *v.* Committee on Grievances for Dist. Ct. SDNY 975
Peters; Smigelski *v.* 1010
Peterson *v.* Bank of America, N. A. 1119
Peterson *v.* Court of Appeals of Wis., Dist. II 879
Peterson *v.* Douma 1078
Peterson *v.* Islamic Republic of Iran 1076
Peterson *v.* Mabury Ranch Homeowners Assn. 907
Peterson; Newdow *v.* 1079
Peterson *v.* United States 1018
Peterson *v.* Walt's Plumbing and Heating 1195
Petkowski *v.* California 994
Petrakis; Rodriguez *v.* 879
Petree *v.* United States 1102,1187
Petric *v.* Alabama 1030
Petroliam Nasional Berhad *v.* GoDaddy.com, Inc. 815
Pettaway *v.* Department of Ed. 1086
Pettis *v.* Beard 1063
Pew *v.* Glunt 1170
Peyton *v.* Clarke 841
Peyton *v.* Superior Court of Cal., Ventura County 1015
Pfister; Richardson *v.* 943
Pham; Nhuong Van Nguyen *v.* 1025,1123
Phea *v.* United States 965
Phelan Hallinan & Schmieg, LLP *v.* McLaughlin 992
Phelps *v.* Hill 807
Phelps *v.* United States 875
Phi Cam Luong *v.* U. S. Bank N. A. 935,1056
Philadelphia Family Court; Prater *v.* 1124
Philadelphia Housing Authority; Finamore *v.* 1033
Philadelphia Tax Review Bd.; Kanofsky *v.* 993
Philips Electronics North America Corp.; Zoll Lifecor Corp. *v.* 1154
Phillips, *In re* 1151
Phillips *v.* Davis 1087

Page
Phillips *v.* Federal Bureau of Investigation 927
Phillips *v.* Greyhound Lines, Inc. 1163
Phillips *v.* Herndon 1031
Phillips *v.* Hobbs 1087
Phillips *v.* Illinois 1173
Phillips *v.* Jacobs 960
Phillips *v.* United States 985,1001,1203
Phipps Group *v.* Downing 1158
Phox *v.* George E. Fern Co. 1024
Physicians Ins. Capital; Schneidmiller *v.* 960
Piatnitsky *v.* Washington 1081
Pierce; Evans *v.* 1140
Pierce; Lopez *v.* 1031,1187
Pierce; Shockley *v.* 879
Pier 1 Imports, Inc.; Moses *v.* 1081
Pierre *v.* Ercole 864
Pierre *v.* Holder 816
Pierre *v.* United States 894
Pierson *v.* California 841,1055
Pierson *v.* Rogow 1158
Pierson *v.* Texas 885
Pikeville City Police Dept.; Hocker *v.* 817
Pilger *v.* Bank of America, N. A. 931
Pillars *v.* Palmer 876
Pillette *v.* Michigan 964
Piloto *v.* United States 913
Pima County; Lockerby *v.* 816
Pimental *v.* Florida Dept. of Corrections 980,1186
Pine Belt Multipurpose Community Action Acq. Agency; Lewis *v.* 1154
Pineda *v.* United States 1199
Pineda-Barrientos *v.* United States 1066
Pinero *v.* Massachusetts 893
Pinno *v.* Wisconsin 1062
Pinto *v.* Walsh 1125
Pitman; Poullard *v.* 1022
Pitney Bowes Corp.; Foster *v.* 868,1055
Pittman *v.* Martin 983
Pittman *v.* United States 999
Pittman-Bey *v.* Celum 833
Piver *v.* Massachusetts 874
Plamondon *v.* Burt 942
Planned Parenthood Ariz., Inc.; Humble *v.* 1060
Platero *v.* United States 901
Platten *v.* United States 1178

Page

Pledger *v.* United States 902,905
Pliler; Gordon *v.* 1162
Plotner, *In re* 1009
Plumley *v.* Austin 1126
Plumley; Daye *v.* 848
Plumley; Ericksen *v.* 1032
Plummer *v.* Haas 964
Plunk *v.* Hobbs 1092
Poag-Emery *v.* Emery 1048
Podlog *v.* Hollingsworth 1185
Poirier, *In re* 990
Polchan *v.* United States 936
Polk *v.* Nevada 1161
Pollard; Almond *v.* 977
Pollini *v.* Kentucky 1139
Pollock *v.* United States 1095
Pomona; SQM North America Corp. *v.* 1060
Ponce de Leon; Doe *v.* 818
Ponce Ibarra *v.* United States 1037
Ponce Rodriguez *v.* United States 936
Ponds *v.* United States 904
Ponte *v.* FIA Card Services, N. A. 1163
Ponte *v.* Shermeta Adams & Von Allmen PC 1163
Poole *v.* MacLaren 850
Pop Test Cortisol, LLP *v.* Merck & Co., Inc. 1041
Porauto Industrial Co., Ltd. *v.* U. S. District Court 1027
Porsche Automobile Holdings SE; Dean *v.* 1189
Port Authority of N. Y. & N. J.; Cedar & Washington Assoc. *v.* 1026
Porter; Harden *v.* 1194
Porter *v.* Lewis 979
Porter; Liberty Coins, LLC *v.* 1075
Porter *v.* United States 860
Portillo-Meza *v.* United States 1174
Portillo-Vega *v.* United States 946
Ports America Chesapeake, LLC; Barkhorn *v.* 1013
Posa *v.* United States 1098
Posey *v.* United States 905
Posey; Waller *v.* 1124
Postmaster General; Davis *v.* 810,1010,1026
Postmaster General; Gilbert *v.* 873
Postmaster General; Kendall *v.* 926
Postmaster General; Marrow *v.* 983
Postmaster General; McKoy *v.* 827,1066
Postmaster General; Mitchell *v.* 810

Page
Postmaster General; Morrow *v.* 1111
Postmaster General; Washington *v.* 1017
Potter *v.* Florida Dept. of Environmental Protection 825
Poullard *v.* Pitman 1022
Pouyeh *v.* Bascom Palmer Eye Institute 1173
Powell *v.* Grounds 984
Powell *v.* United States 986,1048
Powers; Davenport *v.* 1065
Powers; Genis *v.* 1089
Prater *v.* Philadelphia Family Court 1124
Pregnancy Care Center of N. Y. *v.* New York City 973
Prelesnik; Cantley *v.* 941
Prelesnik; Crugher *v.* 1136
Prelesnik; Pena *v.* 1089
Premo *v.* Harns 1066
Premo; Mayes *v.* 1091
President of U. S.; Ali *v.* 848
President of U. S.; Ayres *v.* 839
President of U. S.; Graven *v.* 1033
President of U. S.; Johnson *v.* 923
President of U. S. Senate; Common Cause *v.* 975
Preston *v.* United States 1184
Price, *In re* 932
Price; Banks *v.* 1198
Price *v.* Bottom 874
Price *v.* Burwell 1174
Price *v.* Cross 914
Price *v.* Florida 834
Price; Yan Sui *v.* 810
Prieto *v.* United States 965
Prince George's County Dept. of Social Services; Sewell *v.* 884
Prince George's County Public School Bd.; Sammarco *v.* 870
Pringle *v.* United States 1060,1124
Pringler *v.* United States 1098
Pritzker; Ramlochan *v.* 905
Probuilders Specialty Ins. Co., RRG; Carvale *v.* 1164
Procter & Gamble Mfg. Co.; Reed *v.* 922
Proctor; Dupris *v.* 933
Pronova BioPharma Norge AS *v.* Teva Pharmaceuticals USA, Inc. 815
Prophet *v.* West Virginia 1015,1111
ProtectMarriage.com-Yes on 8 *v.* Padilla 1190
Prousalis *v.* Moore 1078
Provitt *v.* Pennsylvania 828
Pruitt *v.* Burwell 1142

Page
Pruitt; Native Wholesale Supply *v.* 1192
Pruitt *v.* Stephens 868
Pruneda *v.* United States 860
Pruneda-Garza *v.* United States 860
Psychiatric Solutions, Inc.; Smith *v.* 1156
Publish America LLLP; Dawes *v.* 1124
Pueblo County Dept. of Social Services; Wideman *v.* 1077
Puerto Rico; Medina *v.* 1011
Puerto Rico Admin. of Corrections; Johnson *v.* 1064
Pugh *v.* Balish 930
Pugh; Dougan *v.* 996
Puiatti *v.* Crews 817
Pujiang Talent Diamond Tools Co., Ltd. *v.* United States 807,1028
Pulido *v.* United States 1201
Pulido Valencia *v.* United States 1141
Pullen; Benjamin *v.* 984
Purcell, *In re* 1023
Purdie *v.* Nebraska 1071
Purkey *v.* United States 933
Purser *v.* United States 960
Purtell *v.* Wisconsin 1037
Puskar; Thompson *v.* 1034
Pyburn *v.* Durham 1197
Qadri *v.* United States 974
Qiu Jin Li *v.* Holder 872
Qualls; Giddens *v.* 864
Quang Khac Tran *v.* Stephens 1024
Quang Van Nguyen *v.* United States 999
Quarles; Richardson *v.* 1179
Quezada *v.* Hobbs 1095
Quichocho, *In re* 971
Quijada Coronado *v.* Holder 1190
Quillar *v.* Hill 1200
Quilopras *v.* Frauenheim 889
Quincer *v.* Meletis 872
Quinn *v.* Tackett 964,1067
Quinn *v.* United States 942
Quinones *v.* United States 1179
Quinonez Ibarra *v.* California 996
Quintana *v.* Guttierrez 1032
Quintanilla *v.* Barnes 1086
Quintanilla *v.* Securities and Exchange Comm'n 993
Quiroz *v.* U. S. Bank N. A. 957,1049
R. *v.* Pennsylvania Dept. of Public Welfare 835

Page
R.; Ridley School Dist. *v.* 809
R. *v.* Vermont 938
Racette; Lyons *v.* 906
Rachuy *v.* United States 898
Rad *v.* United States 1000,1111
Rader; Patterson *v.* 1173
Radford *v.* Jones 1089
Raemisch; Frazier *v.* 1161
Raemisch; Frye *v.* 1087
Raemisch; Hagos *v.* 878
Raemisch; Obriecht *v.* 879
Rahman *v.* United States 829
Rai *v.* United States 1102
Rainey *v.* Bostic 875
Rainey *v.* United States 1135
Rainville *v.* McDonald 1051
Rall *v.* Aetna Life Ins. Co. 906
Rambert *v.* Varano 913,1044
Ramey *v.* Hill 978,1110
Ramirez *v.* Frauenheim 1162
Ramirez *v.* United States 948,965,968,1001,1186
Ramirez-Flores *v.* United States 1081
Ramirez-Miranda *v.* United States 905
Ramirez-Negron *v.* United States 908
Ramlochan *v.* Pritzker 905
Ramona Equipment Rental, Inc.; Carolina Casualty Ins. Co. *v.* . . 1069
Ramon Deleon *v.* Stephens 838
Ramon Ochoa *v.* Rubin 971,1072
Ramon Ochoa *v.* Rubin Ochoa 971,1072
Ramos *v.* Florida Dept. of Corrections 1168
Ramos *v.* United States 917,1066
Ramos-Delgado *v.* United States 1054
Ramos Duarte *v.* United States 1101,1187
Ramos-Perez *v.* United States 1036
Ramos-Sanchez *v.* United States 1179
Ramsey *v.* Brown 1170
Ramsey *v.* Ryan 879
Ramsey *v.* United States 920
Ramsey *v.* Woods 1084
Ranade; Farris *v.* 1158
Randle *v.* United States 891
Randolph *v.* Sullivan 972
Randolph *v.* United States 1192
Ranftle *v.* Leiby 874

Page
Rangel *v.* Rios 1168
Rapelje; Goodwill *v.* 942
Rapelje; Henix *v.* 839
Rapelje; Jordan *v.* 885
Raper *v.* United States 920
Rashid *v.* New Jersey 1086
Rathman; James *v.* 1163
Ratigan *v.* United States 1036
Ratliff *v.* United States 855
Rawlings Co., LLC *v.* Wurtz 1153
Rawski; Edwards *v.* 982
Ray *v.* GEO Group, Inc. 1027
Ray *v.* Olender 845,1020
Ray; Roberson *v.* 939
Rayford *v.* United States 910
Raynor *v.* Maryland 1192
Razdan; Johnson *v.* 941,1056
Razzoli *v.* United States 965,1056
RBC Bank (USA) *v.* Dasher 922
R. C. Willey Home Furnishings; Jones *v.* 1063
R. D., *In re* 813,1043
R. E. *v.* Florida Bd. of Bar Examiners 807
R. E. *v.* Florida Bd. of Dental Examiners 1027
Read *v.* Deutsche Bank National Trust Co. 1164
Rechtzigel *v.* Apple Valley 936
Recker *v.* United States 1180
Recktenwald; Eaton *v.* 1188
Recovery Management Systems, Inc.; Ethridge Estate *v.* 1192
Rector *v.* United States 1053
Redd *v.* Chappell 1041
Redd *v.* United States 908
Reddy *v.* Smith 1064
Reddy *v.* United States 1062
Redondo Construction Corp. *v.* Diaz 959
Reed *v.* Gilbert 1059
Reed *v.* Procter & Gamble Mfg. Co. 922
Reed *v.* Stephens 973
Reed *v.* United States 853,985
Reed *v.* Woods 1082
Reedom *v.* Colvin 846
Reese; Glover *v.* 1028
Reese *v.* Illinois 1171
Reese *v.* United States 894,1097
Reeves *v.* Butler 896

Page
Reeves *v.* Illinois 834
Reeves *v.* Miami-Dade County 823
Reeves *v.* Michigan 832
Regents of the Univ. of Cal.; Woods *v.* 1016,1111
Regions Bank; Pereira *v.* 1028
Rehman *v.* United States 829
Reichert; Amrhein *v.* 1149
Reid *v.* South Carolina 1090
Reid *v.* United States 1053
Reilly; Wamala *v.* 907
Reina *v.* United States 910
Relf; Dorsey *v.* 999,1111
Rembert *v.* Florida 1014
Remon; McClamma *v.* 826
Renaissance Condominium Partners II *v.* Berlin 822
Renaissance Rental Partners, LLC *v.* Berlin 822
Rendelman *v.* United States 804
Reno *v.* Goldman, Sachs & Co. 991
Renteria-Saldana *v.* United States 968
Rentschler *v.* Missouri 830
Republic of Argentina *v.* BG Group PLC 975
Reserve at Elk River Homeowners Assn., Inc.; McCollum *v.* 827
Resper *v.* Sires 978,1110
Retailer's Credit Assn. of Grass Valley, Inc.; Leonard *v.* 819
Retamozzo *v.* New York 886
Reule *v.* Colony Ins. Co. 886
Revco Discount Drug Centers, Inc.; Williams *v.* 823
Revels *v.* Connecticut 1177
Revels *v.* United States 984
Reybold Holmes, Inc.; Torres *v.* 1168
Reyes; Bacon *v.* 802
Reyes *v.* Crews 1109
Reyes *v.* United States 849,1019
Reyes-Gonzales *v.* United States 1099
Reyes Mata *v.* Holder 1118
Reyes-Navarro *v.* United States 890
Reyes-Soto *v.* United States 909
Reyna *v.* Stephens 1120
Reyna-Acevedo *v.* United States 857
Reynolds; Lucas *v.* 1123
R. F.; A. A. *v.* 871
Rhode Island; Patino *v.* 1081
Rhode Island; Rosario *v.* 962,1133
Rhodes *v.* Maryland 1202

Page
Rhome *v.* Obenland 846
Riani *v.* United States 1048
Ricardo Martinez *v.* United States 966
Rice, *In re* 1047
Rice *v.* Interfood, Inc. 869
Rice *v.* Mississippi 861
Rice *v.* Nebraska 856
Rice *v.* United States 998
Rich *v.* United States 965
Richard *v.* Wenerowicz 885,1044
Richards *v.* Clarke 1137
Richards *v.* Ernst & Young, LLP 932
Richardson *v.* California 1194
Richardson *v.* Mabus 958,1049
Richardson *v.* Pfister 943
Richardson *v.* Quarles 1179
Richardson *v.* United States 846,897,1201
Richbourg, *In re* 1009
Richland County Sheriff's Dept.; Assa'ad-Faltas *v.* 1148
Rickles, *In re* 1188
Ricotta *v.* San Diego County Employees Retirement Assn. 829
Riddick *v.* United States 919
Riddle *v.* Citigroup, Inc. 1090
Rideout *v.* Koster 1177
Rider *v.* Curry 1073
Ridings *v.* United States 1078
Ridley *v.* United States 912
Ridley School Dist. *v.* M. R. 809
Riegler; Robinson *v.* 892
Riggins *v.* U. S. Court of Appeals 1119
Rikers Island; Scarlett *v.* 1086
Riley *v.* MetLife 820
Riley *v.* Metropolitan Life Ins. Co. 820
Riley *v.* United States 908
Rios *v.* California 1088
Rios; Rangel *v.* 1168
Rios *v.* United States 926
Rios-Rios *v.* United States 1097
Rishar *v.* United States 1090
Riva; Boles *v.* 991,1110
Rivard; Brockman *v.* 1088
Rivard; Brown *v.* 1081
Rivard; Lovelace *v.* 1194
Rivas *v.* Arnold 906

Page
Rivas *v.* Holder 1155
Rivas *v.* United States 1029
Rivas Alvarez *v.* O'Brien 920
Rivas-Barrera *v.* United States 1159
Rivas-Granados *v.* United States 986
Rivas Medina *v.* United States 1029
Rivenburgh *v.* Miller 1087
Rivera, *In re* 1189
Rivera *v.* Florida 997
Rivera *v.* Los Angeles County 1061
Rivera *v.* Michigan 1079
Rivera *v.* Schultz 885,1110
Rivera *v.* Smith 909,1110
Rivera *v.* United States 859,917,924,968,987
Rivera Munoz *v.* Balcones Heights 936,1067
Rivera-Osorio *v.* United States 1180
Rivers *v.* United States 1183
RMS Management Solutions, LLC; Robles *v.* 972
R. N. *v.* Lancaster County Children and Youth Services 1163
Roberson *v.* Minnesota 1091
Roberson *v.* Padula 841
Roberson *v.* Ray 939
Robert L.; Lissa L. *v.* 1086
Roberts *v.* Myrick 994,1143
Roberts *v.* Nixon 1161
Roberts *v.* United States 869,1092
Robert Seuffer GmbH & Co. KG. *v.* American Int'l Ins. Co. 1061
Robertson *v.* Executive Dir., Brain Institute, Geisinger Med. Ctr. 1140
Robertson *v.* Samuels 1126
Robertson *v.* Thomas 1126
Robert Wood Johnson Univ. Hospital; Itiowe *v.* 873
Robey *v.* King County 891,1056
Robicheaux *v.* George 1108
Robins; Spokeo, Inc. *v.* 808
Robinson, *In re* 813
Robinson *v.* Bank of America, N. A. 882
Robinson *v.* Buffaloe & Associates 981
Robinson *v.* Crews 841
Robinson *v.* District Attorney of Philadelphia County 1167
Robinson; Dixon *v.* 831
Robinson; Hill *v.* 1170
Robinson *v.* Illinois 867
Robinson *v.* Kastner 1070
Robinson *v.* Kings County District Attorney's Office 1170

Page
Robinson *v.* Lamarque 1034,1187
Robinson *v.* Lassiter 1034
Robinson *v.* Michigan 906,1086
Robinson *v.* Riegler 892
Robinson *v.* Tacoma Community College 1035
Robinson *v.* United States 848,889,891,904,920,944,1054,1111
Robinson-Jesus *v.* United States 1029
Robles *v.* RMS Management Solutions, LLC 972
Robles-Garcia *v.* United States 1101
Robles Quintanilla *v.* Barnes 1086
Roby *v.* Frontier Enterprises, Inc. 940
Roby *v.* Sallie Mae, Inc. 899
Rocco *v.* Superior Court of Cal. 1123
Rocha *v.* Arizona 1085
Rocha *v.* Crews 834
Rocha *v.* United States 1098
Rocha-Ayala *v.* Holder 826
Rochell *v.* United States 887
Rockwell *v.* Industrial Comm'n of Ariz. 871,1043
Roden; Connolly *v.* 1085
Roden; Hensley *v.* 1086
Rodgers *v.* California 862,1109
Rodgers *v.* Perkins 1169
Rodgers *v.* Shearin 890
Rodgers *v.* U. S. District Court 889
Rodgers *v.* Valenzuela 943,1111
Rodriguez, *In re* 812,1060,1135
Rodriguez *v.* California 937
Rodriguez *v.* Court of Appeal of Cal., Second Appellate District 801
Rodriguez *v.* Ducart 853
Rodriguez *v.* Eighth Judicial District Court of Nev., Clark County 855
Rodriguez; Florida Dept. of Corrections *v.* 1122
Rodriguez *v.* Petrakis 879
Rodriguez *v.* Runnels 950
Rodriguez *v.* Smith 847
Rodriguez *v.* Texas 1087
Rodriguez *v.* United States 854,919,936,947,967
Rodriguez-Balvaneda *v.* United States 920
Rodriguez-Castellon *v.* Holder 933
Rodriguez-Frias *v.* United States 1091
Rodriguez-Garcia *v.* United States 1094
Rodriguez-Iznaga *v.* United States 1126
Rodriguez Sandoval; Las Vegas Metropolitan Police Dept. *v.* 1153
Rodriguez-Soler *v.* United States 1141

Page
Rodriguez-Valencia *v.* United States 946
Roehrs *v.* Supreme Court of Cal. 1086
Rogers *v.* Florida 962
Rogers; Gates *v.* 899,1203
Rogers *v.* Illinois 997
Rogers *v.* Sellers 981
Rogers *v.* United States 1001
Rogney and Sons Construction; Garmong *v.* 976
Rogow; Pierson *v.* 1158
Rogowski *v.* Mississippi 1122
Rogue Pictures; Segal *v.* 922
Rohde; Krahn *v.* 1075
Rojas-Olivera *v.* United States 948
Rolfe *v.* South Dakota 1082
Rolle *v.* Educational Bus Transportation, Inc. 1163
Rolle *v.* Miami-Dade County 960
Roller *v.* United States 1199
Rollings *v.* United States 993
Rollins *v.* North Carolina 851
Roman *v.* United States 1133
Roman Catholic Church of the Diocese of Baton Rouge *v.* Mayeux 1126
Roman Nose *v.* Minnesota 880
Roman-Oliver *v.* United States 1049
Romanowski; Bomar *v.* 903
Romanowski; Deering *v.* 995
Romanowski; Martinez *v.* 908
Romero *v.* Persson 833
Romero *v.* Wenderlich 962
Rominger, *In re* 1008
Ronald Wastewater Dist.; Apostol *v.* 1192
Roney *v.* Pennsylvania 829
Ronnies LLC; Holbrook *v.* 895,1044
Ronny's RV Park; Holbrook *v.* 895,1044
Roof *v.* Bush 1159
Roosevelt *v.* Holder 835
Roper; Christenson *v.* 373
Roper; Christeson *v.* 968
Roper; Taylor *v.* 1020
Rosado *v.* District Attorney of Berks County, Pa. 872
Rosales *v.* United States 1174
Rosario *v.* Rhode Island 962,1133
Rosario *v.* United States 904
Rosas *v.* United States 903
Rosas-Martinez *v.* United States 857

Page

Rosbottom *v.* United States 1078
Roseboro *v.* Comporium Communications 807
Rosenbaum *v.* White 815
Rosier *v.* Crews 893
Ross *v.* American Red Cross 824
Ross *v.* Ball 847,1055
Ross *v.* David 807
Ross *v.* Early 869
Ross *v.* Federal Trade Comm'n 819
Ross *v.* Georgia 1164
Ross *v.* Stooksbury 960
Ross *v.* United States 892
Rossouw *v.* Tennessee 943
Rostholder *v.* Omnicare, Inc. 819
Rosu *v.* New York City 1026
Roswell; T-Mobile South *v.* 293
Roueche *v.* United States 1019
Roundtree *v.* Virginia 1166
Rourk *v.* Florida 1169
Roussell *v.* Bank United 1075
Rowland *v.* Neven 859
Rowland *v.* Washington 854
Rowlett *v.* Michigan Bell Telephone Co. 980,1143
Royal; Archer *v.* 977
Royal *v.* United States 913
Royal Caribbean Cruises, Ltd.; Downer *v.* 820
R. R. *v.* Pennsylvania Dept. of Public Welfare 835
R&R Capital LLC; Merritt *v.* 827
R. R. Donnelley & Sons Co.; Kight *v.* 820
R & S St. Rose Lenders, LLC; Branch Banking & Trust Co. *v.* 819
Rubin; Ramon Ochoa *v.* 971,1072
Rubin Ochoa; Ramon Ochoa *v.* 971,1072
Rubio *v.* Gray 1094
Rucker *v.* United States 1200
Rucki; Grazzini-Rucki *v.* 1089,1203
Rudolph *v.* United States 868,1035
Rudy *v.* Lee 870,1043
Ruff *v.* McDowell 1031
Ruiz; Affinity Logistics Corp. *v.* 1061
Ruiz *v.* United States 1176
Ruiz *v.* Washington 833
Ruiz-Rivera *v.* Department of Ed. 1024
Ruiz Salcedo *v.* United States 852
Rumana; Ioppolo *v.* 1150

Page
Runnels; Garcia Rodriguez *v.* 950
Runnels; Pese *v.* 839
Runner *v.* Michigan 963,1067
Running Deer *v.* Chappell 835
Runyon *v.* United States 813
Russeau *v.* Stephens 859
Russell; Bellon *v.* 1014
Russell *v.* Dallas 818,1048
Russell; Langston *v.* 978,1110
Russell *v.* United States 945
Ruth *v.* Stephens 887
R. W.; V. S. T. *v.* 1154
Ryan, *In re* 1152
Ryan; Delgado Beltran *v.* 1052,1187
Ryan; Gonzalez *v.* 822
Ryan *v.* Hurles 1041
Ryan; Jackson *v.* 1091
Ryan; Lira *v.* 996
Ryan *v.* Nebraska 1080
Ryan; Ramsey *v.* 879
Ryan; Sanchez Lopez *v.* 831
Ryan; Shurz *v.* 856
Ryan; Silva *v.* 910
Ryan; Simmons *v.* 1085
Ryan; Solis *v.* 852
Ryan; Timmons *v.* 1197
Ryan; Tyler *v.* 825
Saari *v.* Wells Fargo Home Mortgage, Inc. 982
Sabeniano *v.* Citibank, N. A. 1076,1203
Saber *v.* Saber 858,1109
Sabree *v.* O'Dell 981
Saccoccia *v.* Farley 1108
Sachs; OBB Personenverkehr AG *v.* 1133
Saeku *v.* United States 1201
Saint Francis Medical Center Medical Executive Comm.; Hyshaw *v.* 1158
St. James *v.* United States 915
St. Louis Psychiatric Rehabilitation Center; Hubbard *v.* . . 810,990,1186
St. Mary's Bank; Taal *v.* 828,1046
St. Patra; Fluker *v.* 804
St. Paul; Smithrud *v.* 933
Salas; Sierra Chemical Co. *v.* 1047
Salazar *v.* California 1016
Salazar *v.* Sanders 1157
Salcedo *v.* United States 852

Page
Saldana *v.* Foulk 895
Salerno *v.* Corzine 1089
Salgado-Silver *v.* United States 854
Salim *v.* Ohio 1033
Salinas *v.* Stephens 1125
Salinas-Morin *v.* United States 967
Sallie Mae, Inc.; Roby *v.* 899
Saltzman *v.* Louisiana 1014
Samantar *v.* Yousuf 931
Samay *v.* First Equity Assets II, LLC 976
Sammarco *v.* Prince George's County Public School Bd. 870
Sampson *v.* Montgomery 833
Sam's East, Inc.; Hammer *v.* 1135
Samsung Electronics Co., Ltd.; Jaffe *v.* 921
Samsung Electronics Co., Ltd.; Panasonic Corp. *v.* 1121
Samuel *v.* ESPN, Inc. 857
Samuel *v.* United States 1126
Samuels; Ali *v.* 807
Samuels; Bustillo *v.* 911
Samuels; Hairston *v.* 1022,1120
Samuels; Jameson *v.* 876
Samuels; Robertson *v.* 1126
San Antonio; Hanford-Southport, LLC *v.* 1077
San Antonio Independent School Dist.; Estrada *v.* 1154
Sanchez *v.* Calfee 994
Sanchez *v.* Chandler 968
Sanchez *v.* Earls 838
Sanchez *v.* Illinois 863
Sanchez *v.* Jones 1017
Sanchez *v.* Labate 873
Sanchez *v.* Missouri 807
Sanchez *v.* Muniz 1098
Sanchez *v.* Pennsylvania 860
Sanchez *v.* Sherman 1082
Sanchez *v.* United States 815,910,946,999,1036,1178
Sanchez Lopez *v.* Ryan 831
Sanders *v.* Crews 831,1109
Sanders; Gordon *v.* 1176
Sanders *v.* Myrick 1140
Sanders; Salazar *v.* 1157
Sanderson *v.* Marshall 939
Sandford *v.* United States 1201
San Diego Convention Center; United National Maintenance *v.* 1077
San Diego County Employees Retirement Assn.; Ricotta *v.* 829

Page
Sandin; Dempsey *v.* 904
Sandmann; Hood *v.* 832
Sandor; Luis Ornelas *v.* 1163
Sandoval *v.* Foulk 832
Sandoval; Las Vegas Metropolitan Police Dept. *v.* 1153
Sandoval *v.* MacLaren 1084
Sandoval; McCreary *v.* 803
Sandoz Inc. *v.* Teva Pharmaceuticals USA, Inc. 318
Sandres *v.* Louisiana Div. of Admin., Office of Risk Mgmt. 803,1024
Sanford; Lavergne *v.* 1015
San Francisco; Gottschalk *v.* 837
San Francisco *v.* Sheehan 1021
San Francisco Dept. of Health; Johnson *v.* 1156
Sangalang *v.* United States 1097
Sang Min Kim *v.* Beard 823
Sangster *v.* California 972,1159
Sanibel; Kentner *v.* 1075
San Miguel; Wordly *v.* 981
Sanofi-Aventis Deutschland; Glenmark Generics, Inc., USA *v.* . . . 1054
Sanofi-Aventis Deutschland; Glenmark Pharm. Inc., USA *v.* 1054
Santana-Reyes *v.* United States 1201
Santiago; Bartholomew *v.* 843
Santiago *v.* California 1139
Santiago *v.* Folino 858
Santiago; Mallard *v.* 838
Santiago *v.* Unger 1141
Santiago *v.* United States 1090
Santiesteban *v.* United States 1019
Santistevan *v.* Yordy 1097
Santos-Cortez *v.* United States 851
Santos-Estevez *v.* United States 1097
Sapphire *v.* Nevada Dept. of Taxation 1157
Sarabia *v.* Kentucky 836
Sararo *v.* United States 1176
Sardariani *v.* United States 1092
Saripalli *v.* Savannah Technical College 1140
Sarno *v.* United States 936
Sarras *v.* United States 1079
Saterfield *v.* Harrington 900
Saucedo-Trejo *v.* United States 859
Sault Ste. Marie Tribe of Chippewa Indians; Gatzaros *v.* 1155
Saunders; Allen *v.* 1046
Savannah Technical College; Saripalli *v.* 1140
Savings Deposit Ins. Fund of Turkey; Deep Woods Holdings *v.* 1076

Page
Sawyer *v.* United States 1183
Sawyer; Watts *v.* 961
Saxon Mortgage Services, Inc.; Carazo *v.* 842
Sayers *v.* United States 1200
Scales *v.* United States 844
Scanlon; Khachatourian *v.* 1074
Scarlett *v.* Rikers Island 1086
Schaefer *v.* Bostic 875
Schaefer *v.* Eighth Judicial District Court of Nev., Clark County 870
Schaefer *v.* Union Savings Bank 935
Scharpf; Infanti *v.* 1077
Schaufele; Colorado *v.* 1073
Scheer *v.* State Bar of Cal. 1078
Scheffler *v.* Molin 884
Scher, *In re* 1023
Schindler Beteiligungsgesellschaft MBH *v.* Lee 1047
Schlager *v.* United States 1003
Schlumberger Technology Corp.; Arthey *v.* 1019
Schmidt *v.* Crews 802,1046
Schneiderman; Veleanu *v.* 808
Schneidmiller *v.* Physicians Ins. Capital 960
School Bd. of Broward County; Arafat *v.* 845
Schotz *v.* United States 925
Schreane *v.* Beemon 1052
Schueller *v.* Wells Fargo Bank N. A. 908
Schueller *v.* Wells Fargo & Co. 908
Schultz; Rivera *v.* 885,1110
Schultz *v.* Wescom 1060
Schultz *v.* Young 906,1186
Schwartz; New Mexico *v.* 1184
Schwartz *v.* United States 926
Schwochert; Hampton *v.* 902
Scinto *v.* United States 1055
Sciutto *v.* California 916
Scoggins *v.* Mitchell 1100
Scott *v.* Albino 968
Scott *v.* Arkansas Dept. of Correction 1168
Scott *v.* California 995,1139
Scott *v.* Colorado 973
Scott *v.* Delaware Dept. of Family Services 888
Scott *v.* D'Ilio 1064,1187
Scott *v.* Frankel 874
Scott; Hickey *v.* 1062
Scott; Kormondy *v.* 1112

Page
Scott *v.* McDowell 1163
Scott *v.* Metropolitan Health Corp. 991
Scott *v.* Metropolitan Hospital 991
Scott *v.* Nevada 1089
Scott *v.* Swarthout 931
Scott *v.* United States 855,1126
Scranton Label, Inc.; Florimonte *v.* 1191
Scranton Laminated Label, Inc.; Florimonte *v.* 1191
Seaboldt; Gissendaner *v.* 862
Seabron *v.* Seabron 934
Seacor Marine, Inc.; Lyles *v.* 925,1067
Sealed Defendant *v.* United States 880,919
Sealtite Building Fasteners; B&B Hardware, Inc. *v.* 1009
Searcy *v.* Merit Systems Protection Bd. 1024,1122
Searcy; Strange *v.* 1145
Sears *v.* White 841
Sears, Roebuck & Co.; Barcus *v.* 1025
Seaton *v.* Wisconsin 1060
Sebold *v.* United States 842,1043
Secatero *v.* United States 1180
Secessions *v.* Ohio 1126
Secretary of Agriculture; Guy *v.* 1053
Secretary of Commerce; Ramlochan *v.* 905
Secretary of Defense; Al-Maqaleh *v.* 808,1068
Secretary of Defense; Jennings *v.* 803
Secretary of Energy; Foot *v.* 811,1029
Secretary of HHS; American Physicians & Surgeons, Inc. *v.* 1074
Secretary of HHS; Attorney General of Okla. *v.* 1142
Secretary of HHS; King *v.* 988
Secretary of HHS; Marcussen *v.* 821
Secretary of HHS; Price *v.* 1174
Secretary of HHS; Taransky *v.* 1158
Secretary of HHS; Woodfill *v.* 873
Secretary of Homeland Security; Avalos-Martinez *v.* 869
Secretary of Homeland Security; Chaundry *v.* 935
Secretary of Interior; Friends of Amador County *v.* 1027
Secretary of Interior; Jewell *v.* 1074
Secretary of Interior; Stewart & Jasper Orchards *v.* 1074
Secretary of Interior; Wild Horse Observers Assn. *v.* 818
Secretary of Labor *v.* Mortgage Bankers Assn. 989
Secretary of Navy; Brown *v.* 924
Secretary of Navy; Richardson *v.* 958,1049
Secretary of P. R. Dept. of Transp.; Redondo Constr. Corp. *v.* . . . 959
Secretary of Treasury; Henson *v.* 867

Page
Secretary of Treasury; Khamati *v.* 811,1013,1186
Secretary of Veterans Affairs; Anderson *v.* 843
Secretary of Veterans Affairs; Anoruo *v.* 1191
Secretary of Veterans Affairs; Bell *v.* 1157
Secretary of Veterans Affairs; Bowers *v.* 870
Secretary of Veterans Affairs; Cohens *v.* 807
Secretary of Veterans Affairs; El Malik *v.* 838
Secretary of Veterans Affairs; Ford *v.* 1157
Secretary of Veterans Affairs; Hinton *v.* 960
Secretary of Veterans Affairs; Middleton *v.* 817
Secretary of Veterans Affairs; Monzingo *v.* 875,1043
Secretary of Veterans Affairs; Perry *v.* 1176
Secretary of Veterans Affairs; Rainville *v.* 1051
Secretary of Veterans Affairs; Van Allen *v.* 973,1071
Securities and Exchange Comm'n; Behrens *v.* 996,1111
Securities and Exchange Comm'n; Gupta *v.* 1077
Securities and Exchange Comm'n; Quintanilla *v.* 993
Securities and Exchange Comm'n; Teo *v.* 1011
Sedillo *v.* California 1164
See *v.* Foulk 891
SEECO, Inc. *v.* Stewmon 1013
Seeley *v.* United States 1180
Segal *v.* Rogue Pictures 922
Segovia *v.* United States 1200
Seguin *v.* Bedrosian 833
Seguin *v.* Chafee 833
Selle *v.* Minnesota 1135
Sellers; Rogers *v.* 981
Sellers; Stovall *v.* 1167
Selma Water Works and Sewer Bd.; Wilson *v.* 864,1043
Seltzer, *In re* 1189
Seminole Tribe of Fla. *v.* Florida Dept. of Revenue 1074
Semple; Anderson *v.* 1176
Seneca County *v.* Cayuga Indian Nation of N. Y. 1046
Sengmany *v.* United States 1100
Senior Judge, Ct. Common Pleas of Pa., First Jud. Dist. *v.* Corbett 874
Sepulveda-Barraza *v.* United States 918
Serpas; Harris *v.* 823
Serrano *v.* United States 1176
Serrato-Cesareo *v.* United States 912
Sesson *v.* Tuscaloosa 1197
Sesson *v.* United States 908
Setevage *v.* Department of Homeland Security 876
Seton Healthcare, Inc.; Munoz *v.* 882

Page
Seton Health Network; Munoz *v.* 882
Setter; Vaughan *v.* 1173
Settles *v.* LeGrand 1015
Sevier *v.* Jones 1170
Sewell *v.* Prince George's County Dept. of Social Services 884
Sexton *v.* Panel Processing, Inc. 1011
SFW; Koroma *v.* 1050
S. G.; J. L. B. *v.* 826
Shabazz, *In re* 1120
Shabazz *v.* United States 1185
Shabazz *v.* Virginia 980,1110
SHAC, LLC *v.* Nevada Dept. of Taxation 1157
Shade *v.* U. S. Congress 881
Shah *v.* Motors Liquidation Co. GUC Trust 1159
Shaheed *v.* United States 882
Shahid *v.* Darby 1061
Shallow *v.* Mollen Immunization Clinic 845
Shao *v.* Tsan-Kuen Wang 1134,1161
Sharif; Wellness International Network, Ltd. *v.* 1059
Sharife *v.* Florida 911,1044
Sharif-El *v.* Cain 982
Sharma *v.* United States 1094
Sharonoff *v.* California 978
Shauers; Warger *v.* 40
Shaw; Newkirk *v.* 878
Shaw *v.* United States 1002,1003
Shea *v.* Davey 1034,1143
Shea *v.* Florida 1165
Sheahan; Laster *v.* 1093
Shearin; Germain *v.* 880
Shearin; Golden *v.* 865,1109
Shearin; Rodgers *v.* 890
Shedd; Gray *v.* 864
Sheehan; San Francisco *v.* 1021
Sheets; Fikes *v.* 866
Shehadeh *v.* United States 1140
Shelby; Johnson *v.* 10
Sheldon; Boles *v.* 942
Sheldon *v.* United States 884
Shell *v.* Virginia 1097
Shelton *v.* United States 961
Shepard, *In re* 813,1186
Shepard *v.* United States 966
Shepherd *v.* Mohr 1182

Page
Sheppard Pratt Health System; Adams *v.* 887
Sheridan Liquors *v.* Illinois Liquor Control Comm'n 1191
Sherman; Bailey *v.* 1082
Sherman; Bausman *v.* 983
Sherman; Mansion *v.* 1065
Sherman; Sanchez *v.* 1082
Sherman; Trujillo *v.* 1032,1187
Sherman *v.* Washington State Judicial System 864
Shermeta Adams & Von Allmen PC; Ponte *v.* 1163
Sherwood *v.* Holloway 1015
Sherwood *v.* Jordan 1015
Shields *v.* Georgia 1033
Shields *v.* Illinois Dept. of Corrections 1076
Shields *v.* New York 995
Shill *v.* United States 858
Shin *v.* United States 872,1062
Shipley, *In re* 1045
Shipman *v.* United Parcel Service, Inc. 1078
Shire Development, LLC *v.* Watson Pharmaceuticals, Inc. 1134
Shivers *v.* Michigan 941
Shockley *v.* Pierce 879
Shoe Carnival, Inc.; Nicaj *v.* 1156
Shoemaker *v.* Smith 1165
Shone *v.* Ferrari North America, Inc. 1155
Shong-Ching Tong *v.* Superior Ct. of Cal., Sacremento County . . 1089
Short *v.* Winn 1083
Showalter *v.* United States 947
Shrader *v.* United States 891
Shukry *v.* Paramo 1088
Shulman; Fletcher *v.* 1192
Shurz *v.* Ryan 856
Shushean Wong *v.* Massachusetts Dept. of Social Services 807
Sibley Memorial Hospital; Silverberg *v.* 870
Sida *v.* California 1100
Siegel *v.* Global Hyatt Corp. 816
Siegler *v.* Ohio State Univ. 1092
Siemens Corp.; Casagrande *v.* 959
Sienicki; Graven *v.* 1063
Sierra *v.* United States 1199
Sierra Chemical Co. *v.* Salas 1047
Sifuentes *v.* California 1072
Sigillito *v.* United States 1104
Sigram Schindler Beteiligungsgesellschaft MbH *v.* Cisco Systems 950
Sigram Schindler Beteiligungsgesellschaft MbH *v.* Lee 1047

Page
Siguil-Vasquez *v.* United States 968
Silva *v.* CH2M Hill, Inc. 825
Silva *v.* Ryan 910
Silva *v.* United States 1142
Silverberg *v.* Sibley Memorial Hospital 870
Silverman, Decaria & Kattelman, Chtd.; Garmong *v.* 819
Silverthorne *v.* Florida 1062
Simmons *v.* Austin 829
Simmons *v.* Colvin 1166
Simmons *v.* Denney 974
Simmons *v.* Federal National Mortgage Assn. 991
Simmons *v.* Holder 1173
Simmons *v.* Miller 891
Simmons *v.* Minter 1088
Simmons; Mu'Min *v.* 1087
Simmons *v.* Pennsylvania 939
Simmons *v.* Ryan 1085
Simmons *v.* United States 1091,1094,1181
Simon *v.* United States 887
Simpson *v.* Lexington-Fayette Urban County Government . . . 835,1055
Simpson *v.* United States 1036
Sims *v.* Brown 1167
Sims *v.* Smith 848
Sims *v.* United States 910
Sims *v.* U. S. District Court 854
Sinclair; Jones *v.* 887
Singh *v.* Lipworth 1138
Singh *v.* Michigan 874
Singhal, *In re* 1151
Singleton *v.* United States 907
Sires; Resper *v.* 978,1110
S. J. B.; J. L. B. *v.* 826
Skipper; Carranza *v.* 869
Slater *v.* United States 1036
Slaughter *v.* Nevada 857
Slavin *v.* New York 878
Sloan; Murphy *v.* 1136
Slone *v.* Meko 1126
Small *v.* Oppy 835
Smallwood *v.* Citibank South Dakota, N. A. 869,872,933
Smart *v.* Christus Health 1048
Smart *v.* Christus Health System 1048
SmartGene, Inc.; Advanced Biological Laboratories, SA *v.* 816
Smigelski *v.* Peters 1010

Page
Smith, *In re* 812,932,973,1010,1044,1046,1111,1135,1151
Smith *v.* Arizona 834
Smith *v.* Arkansas 890,1056
Smith *v.* Arnold 866
Smith *v.* Bishop 875
Smith; Bowell *v.* 989,1072
Smith; Brister *v.* 935
Smith *v.* Circuit Court of Wis., Milwaukee County 885
Smith; Coles *v.* 1093
Smith *v.* Countrywide Home Loans, Inc. 1071
Smith *v.* Crews 860
Smith *v.* Crickmar 1016
Smith *v.* Delta Air Lines, Inc. 1148
Smith *v.* Ducart 925
Smith; Ebeling *v.* 1169
Smith *v.* Florida 1029,1174
Smith *v.* Foulk 918
Smith *v.* Georgia 934
Smith *v.* Hobbs 964,997,1032
Smith *v.* Idaho 805
Smith; Iheme *v.* 998
Smith *v.* Jackson 849
Smith *v.* Kemp 902
Smith *v.* Long 893
Smith; Lopez *v.* 1
Smith *v.* Louisiana 962
Smith *v.* Louisiana Dept. of Health and Hospitals 1167
Smith *v.* Manasquan Savings Bank 927
Smith *v.* Martel 978
Smith *v.* Michigan First Credit Union 961
Smith *v.* Montgomery County Sheriff's Office 810
Smith *v.* Neely 839
Smith *v.* Ohio 1191
Smith *v.* Olsen 834,1109
Smith *v.* Psychiatric Solutions, Inc. 1156
Smith; Reddy *v.* 1064
Smith; Rivera *v.* 909,1110
Smith; Rodriguez *v.* 847
Smith; Shoemaker *v.* 1165
Smith; Sims *v.* 848
Smith *v.* Smith 905
Smith *v.* Stevenson 1166
Smith *v.* Texas 939,1026
Smith *v.* Toal 1136

Page
Smith; Transport Services Co. of Ill. *v.* 1154
Smith *v.* United Church of Christ 1156
Smith *v.* United States 842, 849,858,866,874,876,881,910,913,918,967,1026,1036,1081,1104, 1110,1126,1187,1200
Smith *v.* U. S. District Court 922
Smith *v.* U. S. Parole Comm'n 906
Smith *v.* Washington 863
Smith *v.* Wright 1084
Smith-Bey, *In re* 1072,1203
Smithrud *v.* St. Paul 933
Sneed *v.* Jones 1134
Snipes *v.* Illinois 946
Snodgrass *v.* Berklee College of Music 981,1111
SnoWizard, Inc. *v.* Southern Snow Mfg. Co., Inc. 1155
Snyder; DeBoer *v.* 1118
Snyder; Dougherty *v.* 963
Snyder *v.* Pennsylvania 992,1110
Snyder *v.* United States 1053,1203
Social Security Administration; Alfreds *v.* 843
Soler *v.* United States 1160
Solis; Francis *v.* 978
Solis *v.* Ryan 852
Solis-Venegas *v.* United States 946
Soliz *v.* Texas 1123
Solomon *v.* Dawson 939,1024
Solomon *v.* Kess-Lewis 1196,1197
Solomon *v.* United States 877,1094
Solomonyan *v.* United States 1178
Solon *v.* United States 859
Somaxon Pharmaceuticals; Classen Immunotherapies, Inc. *v.* 824
Somsak Saeku *v.* United States 1201
Son *v.* Chu Cha Lee 972
Son *v.* United States 878
Sonora *v.* C. B. 1159
Son Van Nguyen *v.* United States 1090
Sookyeong Kim Sebold *v.* United States 842,1043
Sorensen *v.* Washington 994
Sorokin *v.* United States 986
Sorrell; Vermont Right to Life Committee, Inc. *v.* 1074
Sorrentino *v.* United States 850
Sosa-Jimenez *v.* United States 909
Sosa-Lopez *v.* United States 1134
Soto; Briggs *v.* 1017

Page
Soto *v.* Davey 942
Soto; Guy *v.* 1196
Soto; Hodges *v.* 1197
Soto *v.* Macomber 988
Soto *v.* Minnesota Second Judicial Dist., Special Courts Div. . . . 1085,1187
Soto; Sutton *v.* 939
Soto; Victorian *v.* 1137
Soto; Wooten *v.* 859
Sou *v.* United States 867
South Carolina; Aleksey *v.* 1162
South Carolina; Asbury *v.* 1031
South Carolina; Backus *v.* 801
South Carolina; Cope *v.* 959
South Carolina; Koon *v.* 1069,1151
South Carolina; Middleton *v.* 881
South Carolina; Reid *v.* 1090
South Carolina; Temple *v.* 919
South Carolina; Watts *v.* 1171
South Carolina Comm'n on Lawyer Conduct; Collie *v.* 828,844
South Dakota; Berget *v.* 1197
South Dakota; Diaz *v.* 1029
South Dakota; Rolfe *v.* 1082
South Dakota Dept. of Labor and Regulation; Eiler *v.* 839,1109
Southern Electronics Supply, Inc. *v.* Camsoft Data Systems, Inc. 1122
Southern Snow Mfg. Co., Inc.; SnoWizard, Inc. *v.* 1155
South Fork; Benton *v.* 980
Southold Union Free School Dist.; D. D-S *v.* 975
Southside Towing; Yan Sui *v.* 1049
Southwest Airlines Co.; Taleff *v.* 872
Souza *v.* United States 966
Sovereign Bank; Bostwick *v.* 1030
Spann *v.* United States 890
Spano *v.* Florida Bar 828
Sparks *v.* United States 894
Spathis; Dulimof-Spathis *v.* 856
Spearman; Gray *v.* 963
Spearman; Odilon Lopez *v.* 981
Spearman; Thoreson *v.* 877
Specht *v.* Google, Inc. 1028
Special Industries, Inc. *v.* Zamil Group Holding Co. 1155
Spector, *In re* 806
Speed *v.* Mehan 903,1110
Speight *v.* United States 1180
Speller *v.* Asbell 859

Page
Spence *v.* United States 829,1002,1080
Spies *v.* United States 1178
Spiller; Norfleet *v.* 943,1111
Spinks *v.* Montana 997
Spokeo, Inc. *v.* Robins 808
Springfield; McClendon *v.* 1154
Sprouse *v.* Stephens 993
Spruell *v.* United States 998
Spruiel *v.* United States 880
Spuck *v.* Pennsylvania 894,1110
SQM North America Corp. *v.* Pomona 1060
Squetimkin *v.* United States 966
Stacey *v.* United States 966
Stadfeld *v.* United States 1103
Staffmark; Lampkin *v.* 1090
Stafford; Childs *v.* 860
Staley *v.* Bank of N. Y. Mellon 1061
Stallworth *v.* Mississippi 887,1044
Stampone *v.* Fopma 1058
Standard Furniture Mfg. Co., Inc. *v.* International Trade Comm'n 1060
Stang *v.* United States 1180
Stanley *v.* Alabama 828
Stanley *v.* United States 1003
Stanton *v.* United States 1017
Starbuzz Tobacco, Inc.; Inhale, Inc. *v.* 1047
Starks *v.* Bechtold 944
Starting Point; Askins *v.* 1195
State Bar of Cal.; Brown *v.* 807
State Bar of Cal.; Joseph *v.* 1158
State Bar of Cal.; Lane *v.* 807
State Bar of Cal.; Look *v.* 993
State Bar of Cal.; Scheer *v.* 1078
State Bar of Cal.; Tanasescu *v.* 1150
State Farm Ins. Co.; Hatchigian *v.* 1158
State Farm Mut. Automobile Ins. Co.; Graham *v.* 1033
Staten *v.* Stephens 1083,1164
State Water Contractors *v.* Jewell 1074
Steadman; Herald *v.* 1073
Stearns Bank; Citrus El Dorado, LLC *v.* 826
Stebbins *v.* Stebbins 1148
Stebbins *v.* U. S. District Court 1119
Steele; Bilauski *v.* 914
Steele; DeJournett *v.* 997
Steele; Dry *v.* 959

Page
Steele; Goodwin *v.* 1057
Steele; Johnson *v.* 832
Steele; Strong *v.* 880
Steele; Thompson *v.* 835
Steele *v.* United States 1176
Steiner *v.* Florida 1083
Steiner *v.* Jones 1148
Stephens; Abrams *v.* 883
Stephens; Aguilar *v.* 837
Stephens; Amir-Sharif *v.* 1162
Stephens; Angel Paredes *v.* 969
Stephens; Baley *v.* 940
Stephens; Bell *v.* 1015
Stephens; Carr *v.* 1124
Stephens; Castro Perez *v.* 958
Stephens; Charles *v.* 829
Stephens; Clayton *v.* 810,1024
Stephens; Crutsinger *v.* 1160
Stephens; Douthit *v.* 1014
Stephens; Enriquez *v.* 1134
Stephens; Farris *v.* 898,1203
Stephens; Flentroy *v.* 1194
Stephens; Franco Garza *v.* 1193
Stephens; Gosdin *v.* 980
Stephens; Guerrero *v.* 1087
Stephens; Guzman Zuniga *v.* 807
Stephens; Hale *v.* 1082
Stephens; Hansen *v.* 832
Stephens; Harper *v.* 937
Stephens; Harriman *v.* 832,866
Stephens; Hart *v.* 937
Stephens; Henderson *v.* 880
Stephens; Jaime Reyna *v.* 1120
Stephens; Jennings *v.* 271
Stephens; Jones *v.* 830
Stephens; Junious *v.* 887
Stephens; Kennemur *v.* 1082
Stephens; Ladd *v.* 880
Stephens; Lawson *v.* 884
Stephens; Lopez *v.* 1166
Stephens; Malone *v.* 1087
Stephens; Martinez *v.* 938
Stephens; Martin Garcia *v.* 1193
Stephens; Mays *v.* 1082

Page
Stephens; McDonald *v.* 1083
Stephens; Medearis *v.* 939
Stephens; Newberry *v.* 1144
Stephens; Paige *v.* 938
Stephens; Panetti *v.* 827
Stephens; Perez *v.* 1064
Stephens; Pruitt *v.* 868
Stephens; Quang Khac Tran *v.* 1024
Stephens; Ramon Deleon *v.* 838
Stephens; Reed *v.* 973
Stephens; Russeau *v.* 859
Stephens; Ruth *v.* 887
Stephens; Salinas *v.* 1125
Stephens; Sprouse *v.* 993
Stephens; Staten *v.* 1083,1164
Stephens; Sykes *v.* 977
Stephens; Teeter *v.* 961
Stephens; Toombs *v.* 831
Stephens; Venegas *v.* 938
Stephens; Weinberger *v.* 846
Stephens; Welvaert *v.* 941
Stephens; Wilkins *v.* 1152
Stephens; Williams *v.* 807,1064
Stephenson; Felton *v.* 1063
Stevens, *In re* 1023,1189
Stevens *v.* Deutsche Bank National Trust Co. 1075
Stevens *v.* Georgia 832
Stevens *v.* Hastings 1179
Stevens *v.* Mercier 906
Stevens *v.* United States 866
Stevenson; Barber *v.* 943
Stevenson; Fielder *v.* 898
Stevenson *v.* First American Title Ins. Co. 933
Stevenson; Smith *v.* 1166
Stevenson *v.* United States 897,1080,1101
Steward; Moore *v.* 946
Stewart *v.* Beard 900,1090
Stewart *v.* Florida 907,1015
Stewart; Sutherland *v.* 980
Stewart *v.* Texas 937
Stewart *v.* United States 848,1171,1182,1184
Stewart & Jasper Orchards *v.* Jewell 1074
Stewart Tilghman Fox & Bianchi P. A.; Kane *v.* 1027
Stewmon; SEECO, Inc. *v.* 1013

Page
Stilling *v.* United States 1000
Stitsky *v.* United States 878
Stockbridge-Munsee Community *v.* New York 1190
Stoddard; Ward *v.* 802
Stoicoff; Gould *v.* 1197
Stoitchkov; Stoyanova *v.* 1031
Stoller *v.* Illinois 1086
Stone *v.* Johnson 983
Stonecipher *v.* Valles 1062
StoneEagle Services, Inc. *v.* Gillman 992
Stooksbury; Ross *v.* 960
Stop This Insanity, Inc., Employee Leadership Fund *v.* FEC 1074
Storey *v.* Lombardi 1147,1188
Story; Hofland *v.* 900
Stout *v.* Louisiana 882
Stoutamire *v.* Morgan 927
Stovall *v.* Sellers 1167
Stoyanova *v.* Stoitchkov 1031
Straite *v.* United States 986
Strange *v.* Searcy 1145
Strausbaugh *v.* Green Tree Servicing, LLC 1170
Strausbaugh *v.* United States 843
Straw *v.* Kloecker 1123
Stream *v.* Humphreys 1092
Strickland; Goetz *v.* 851,1143
Strickland; Visible Measures Corp. *v.* 960
Stringer *v.* United States 933,1052,1055
Strom *v.* Strom 1030
Strong *v.* District Attorney of Philadelphia County 1197
Strong *v.* Steele 880
Strong *v.* United States 906
Stroud *v.* United States 1100
Strouse *v.* Wilson 943,1111
Stryker Corp. *v.* Hill-Rom Services, Inc. 1041
Stryker Medical *v.* Hill-Rom Services, Inc. 1041
Strzelczyk *v.* Pennsylvania 1094
Stuart; Cleveland *v.* 1032
Sturgill *v.* Sturgill 1137
Sturgis *v.* United States 919
Styles *v.* United States 1094
Subasic *v.* United States 1174
Subdiaz-Osorio *v.* Wisconsin 943
Suesue *v.* United States 1108
Suesz; Med–1 Solutions, LLC *v.* 1047

Page
Suff *v.* California 1081
Sui *v.* Goodrich 1046,1081
Sui *v.* Marshack 1010,1031,1081
Sui *v.* Price 810
Sui *v.* Southside Towing 1049
Sui *v.* 2176 Pacific Homeowners Assn. 811,1029
Suire *v.* Burns 837
Sullen *v.* White 902
Sullivan; Freeman *v.* 1043
Sullivan *v.* King 897
Sullivan; Randolph *v.* 972
Summers *v.* Baker 997
Sumner County District Attorney's Office; Goings *v.* 1046,1137
Sumpter *v.* Berghuis 855
Sunday *v.* Jones 1017,1203
Sundquist; Federal National Mortgage Assn. *v.* 1003
Sun Life Assurance Co. of Canada *v.* Gross 1159
Superior Ct. of Cal.; Korman *v.* 825
Superior Ct. of Cal.; Rocco *v.* 1123
Superior Ct. of Cal., Contra Costa County; Muhammad *v.* 1017
Superior Ct. of Cal., Los Angeles County; ASAP Copy and Print *v.* 987
Superior Ct. of Cal., Los Angeles County; Carter *v.* 987
Superior Ct. of Cal., Los Angeles County; Lobos *v.* 1084
Superior Ct. of Cal., Los Angeles County; Thomas *v.* 941
Superior Ct. of Cal., Los Angeles County; Turner *v.* 987
Superior Ct. of Cal., Orange County; Teva Pharmaceuticals USA *v.* 1120
Superior Ct. of Cal., Sacramento County; Shong-Ching Tong *v.* 1089
Superior Ct. of Cal., San Diego County; Burton *v.* 1050
Superior Ct. of Cal., Ventura County; Peyton *v.* 1015
Superior Ct. of Mass., Bristol County; Marshall *v.* 984
Superior Silica Sands; Minerals Development & Supply Co. *v.* . . 873,988
Supreme Ct. of Cal.; Roehrs *v.* 1086
Surles, *In re* 812,1067
Surprise Family Urgent Care Center, LLC; Ford *v.* 1163
Sutherland *v.* Stewart 980
Suthers; Calhoun *v.* 935
Sutterfield *v.* Milwaukee 993
Sutton *v.* Caskey 940,1110
Sutton; Cline *v.* 853
Sutton *v.* North Carolina 1065,1187
Sutton *v.* Soto 939
Svoboda *v.* Bank of America, N. A. 1012
Swaney; Cartier *v.* 832,1043
Swann *v.* United States 907

Page
Swanson *v.* Ward 920
Swarthout; Carter *v.* 1149
Swarthout; Elliott *v.* 1139
Swarthout; Scott *v.* 931
Sweat *v.* United States 861
Sweeney *v.* Disciplinary Bd. of the Supreme Court of N. D. 1138
Sweet *v.* United States 1099
Sweetman *v.* Norristown 842
Swehla *v.* United States 1103
Swiger *v.* United States 919
Swint *v.* United States 892
S. Y. H. *v.* Florida Bd. of Bar Examiners 1016
Sykes *v.* Stephens 977
Sykes *v.* United States 1182
Sykes *v.* Warren 1084
T. *v.* R. W. 1154
Taal *v.* St. Mary's Bank 828,1046
Tabb, *In re* 813
Tabb *v.* Lorenzetti 1136
Tackett; M & G Polymers USA, LLC *v.* 427
Tackett; Quinn *v.* 964,1067
Tacoma Community College; Robinson *v.* 1035
Tafolla *v.* California 1065
Tafoya *v.* Beard 836
Takeda Pharmaceutical Co. Ltd.; United States *ex rel.* Ge *v.* 814
Takeda Pharmaceutical Co. Ltd. *v.* Zydus Pharmaceuticals USA 1026
Takushi *v.* BAC Home Loans Servicing, LP 1119
Taleff *v.* Southwest Airlines Co. 872
Tallent *v.* United States 1001
Talley *v.* Baker 981
Talley *v.* Friel 1164
Talley *v.* Gongocky 1084
Talley *v.* United States 918,1035
Tanasescu *v.* State Bar of Cal. 1150
Tanco *v.* Haslam 1118,1120
Tanner; Howard *v.* 1171
Tan Vo *v.* California 1160
Tapke *v.* Moore 996
Taransky *v.* Burwell 1158
Target Corp. *v.* Thompson 1142
Tarkington *v.* California 930
Tarshis, *In re* 806
Tartt *v.* United States 1134
Tarvin *v.* Mississippi 1083

Page
Tate *v.* Wisconsin 1126
Tathagat *v.* Gupta 807
Tatten *v.* Bank of America Corp. 1072,1151
Tatum; Bradberry *v.* 1096
Tatum; Marshall *v.* 848,1066
Tatum *v.* Murphy 996
Tatum; Parker *v.* 1165
Tavares; McGrath *v.* 1136
Taylor, *In re* 813
Taylor *v.* Bernich 978,1133
Taylor *v.* Colvin 982,1111
Taylor *v.* Davis 822
Taylor; Fantuzzo *v.* 899
Taylor *v.* Glunt 856
Taylor; Harned *v.* 895
Taylor *v.* Indiana 1161
Taylor; Jordan *v.* 894
Taylor *v.* JPMorgan Chase Bank, N. A. 1089
Taylor *v.* Kelley 1154
Taylor *v.* Lombardi 1020
Taylor *v.* Macomber 1031
Taylor *v.* Martin 1121
Taylor *v.* Missouri 980
Taylor *v.* Pelusi 816,1055
Taylor *v.* Roper 1020
Taylor *v.* United States 851,1051
Taylor *v.* Virginia 1165
T. D. I. *v.* A. P. 1027
Teamsters *v.* Burlington Northern Sante Fe 816
Tedford; Fuller *v.* 903
Teers *v.* United States 1181
Teeter *v.* Stephens 961
Teitelbaum *v.* Katz 961
Tellado *v.* United States 851
Temple *v.* Illinois 1195
Temple *v.* South Carolina 919
Tennant *v.* United States 958
Tennessee; Bishop *v.* 849
Tennessee; Carter *v.* 1165
Tennessee; Flinn *v.* 900
Tennessee; Freeland *v.* 1169
Tennessee; Garner *v.* 980
Tennessee; Hyde *v.* 824
Tennessee; Keys *v.* 984

Page
Tennessee; Madden *v.* 1192
Tennessee; Madkins *v.* 841,1109
Tennessee; Marks *v.* 869
Tennessee; Mississippi *v.* 957
Tennessee; Morrow *v.* 1199
Tennessee; Rossouw *v.* 943
Tennessee; Wheetley *v.* 1134
Tennessee Dept. of Children's Services; Fitzpatrick *v.* 1157
Tennessee Dept. of Human Services; McCuthison *v.* 828
Tennison *v.* United States 844
Tenorio *v.* United States 908
Teo *v.* Securities and Exchange Comm'n 1011
Teplitz *v.* Allegheny Auto & Truck 941
Terrell *v.* Chatman 1034
Terrell *v.* Gower 1173
Terrero *v.* United States 997
Territory. See name of Territory.
Teva Pharmaceuticals USA; Pronova BioPharma Norge AS *v.* . . . 815
Teva Pharmaceuticals USA *v.* Sandoz Inc. 318
Teva Pharmaceuticals USA *v.* Superior Ct. of Cal., Orange County 1120
Texas; Acree *v.* 1083
Texas; Alaniz *v.* 1035
Texas; Banks *v.* 1194
Texas; Barnes *v.* 937
Texas; Bookman *v.* 1192
Texas; Boone *v.* 950
Texas; Boswell *v.* 1156
Texas; Bower *v.* 1144
Texas; Brite *v.* 1085
Texas; Cole *v.* 1123
Texas; Cook *v.* 852
Texas; Cortina *v.* 897
Texas; Daitch *v.* 899
Texas; Darnell *v.* 802,1010
Texas; Davis *v.* 865
Texas; Drawhorn *v.* 1193
Texas; Duncan *v.* 862,1109
Texas; Escobar *v.* 959
Texas; Farmer *v.* 937
Texas; Fleming *v.* 1122
Texas; Fratta *v.* 936,1067
Texas; Garfias *v.* 937
Texas; Gaspar Martinez *v.* 855
Texas; Gilley *v.* 830

Page
Texas; Hall *v.* 1051
Texas; Harris *v.* 1080
Texas; Heinze *v.* 1063
Texas; Herrera *v.* 820
Texas; Hickman *v.* 937
Texas; Hughes *v.* 899
Texas; Hummel *v.* 829
Texas; Irving *v.* 937
Texas; Jamerson *v.* 1124
Texas; Joseph *v.* 1096
Texas; Kennedy *v.* 1047
Texas; Ladd *v.* 1144
Texas; Lanz *v.* 939
Texas; Levy *v.* 1169
Texas; Lightfoot *v.* 819
Texas; Maden *v.* 940
Texas; Magana Garcia *v.* 1012
Texas; Manuel Navarrette *v.* 1086
Texas; Mason *v.* 1139
Texas; McCurdy *v.* 977
Texas; McDonald *v.* 982
Texas; Murray *v.* 1168
Texas; Nesby *v.* 979,1133
Texas *v.* New Mexico 808,972
Texas; Nolley *v.* 901
Texas; Panetti *v.* 1099
Texas; Pierson *v.* 885
Texas; Rodriguez *v.* 1087
Texas; Smith *v.* 939,1026
Texas; Soliz *v.* 1123
Texas; Stewart *v.* 937
Texas; Thomas *v.* 881
Texas; Turnbull *v.* 861
Texas; United States *v.* 951
Texas; Walker *v.* 834
Texas; White *v.* 1198
Texas; Wilhite *v.* 888
Texas; Williams *v.* 844,882
Texas; Wilson *v.* 847,1043
Texas; Yazdchi *v.* 1124
Texas Dept. of Criminal Justice; Finch *v.* 851
Texas Dept. of Housing *v.* Inclusive Communities Project 1069
Texas Division, Sons of Confederate Veterans, Inc.; Walker *v.* . . . 1045
Texas Health and Human Services Comm'n; Calloway *v.* 998

Page
Texas Sec'y of State; Texas State Conf. of NAACP Branches *v.* 951
Texas State Bd. of Dental Examiners; McIntosh *v.* 1027
Texas State Conf. of NAACP Branches *v.* Berry 951
Texas Workforce Comm'n; Moses *v.* 1046
Texas Workforce Comm'n; Paskauskiene *v.* 846
Texidor *v.* Folino 1033
Thae Lee *v.* Foulk 835
Tharrington *v.* Clarke 1050
Theodore; New York *v.* 1073
Thermoall Remodeling *v.* United States 871
Thews *v.* Wal-Mart Stores, Inc. 975
Thibodeaux *v.* Africk 1197
Thomas *v.* Andressen 807
Thomas; Arthur *v.* 821
Thomas; Cosby *v.* 843
Thomas; Crosby *v.* 843
Thomas *v.* Cumberland County Bd. of Ed. 961,1056
Thomas; Davis *v.* 906
Thomas *v.* Duncan 1168
Thomas *v.* Fidelity & Guaranty Life Ins. Co. 898,1067
Thomas *v.* Florida 918
Thomas *v.* Holder 1173
Thomas *v.* Jackson Health Care Systems 962
Thomas *v.* Keith 844
Thomas; McNabb *v.* 1082
Thomas; Moody *v.* 977
Thomas *v.* New York 840,1195
Thomas *v.* Orange County 1165
Thomas *v.* Oregon 940,1110
Thomas; Robertson *v.* 1126
Thomas *v.* Superior Court of Cal., Los Angeles County 941
Thomas *v.* Texas 881
Thomas *v.* United States 889,897,926,947,1020,1102
Thomas; Wideman *v.* 1169
Thompson *v.* Alabama 894
Thompson *v.* Ameriflex 833,1043
Thompson *v.* Ault 1010
Thompson; Eid *v.* 827
Thompson *v.* JPMorgan Chase Bank, N. A. 993,1133
Thompson; Knight *v.* 1133
Thompson *v.* LaValley 979
Thompson; LeBar *v.* 855
Thompson *v.* Mercer 1072,1193
Thompson *v.* Missouri Bd. of Parole 1017

Page
Thompson *v.* Puskar 1034
Thompson *v.* Steele 835
Thompson; Target Corp. *v.* 1142
Thompson *v.* United States 845,920,1065,1093,1199,1200
Thoreson *v.* Spearman 877
Thorne *v.* United States 1178
Thornton *v.* Zickefoose 805,1024
Thrash *v.* Miami Univ. 873
Thrasher *v.* Missouri Dept. of Corrections 1059
Thuesen; Meyer *v.* 837
Thul Ouk *v.* Minnesota 1169
Thunderbird *v.* Oregon 1017
Thursby *v.* United States 863
ThyssenKrupp Waupaca, Inc. *v.* DeKeyser 987
Tibble *v.* Edison International 1134
Tibbs *v.* Michigan 911
Tiedemann *v.* Bigelow 861
Tillman *v.* Michigan 865
Tillman; Trauth *v.* 995
Tillotson *v.* McCoy 811
Times *v.* Woods 880
Timmons, *In re* 1010
Timmons *v.* Ryan 1197
Timmons *v.* United States 845
Timosan *v.* Bank of N. Y. Mellon Trust Co., N. A. 1075
Tipton *v.* United States 1018
Tirado *v.* New York 877
Titley *v.* United States 1202
T-Mobile South *v.* Roswell 293
Toal; Smith *v.* 1136
Tobar *v.* Lee 1050
Tobias *v.* Biter 1138
Toca *v.* Louisiana 1058,1144
Todd *v.* Beard 1149
Todd *v.* Kansas 984
Toddie *v.* United States 1018
Todman; Fleming *v.* 860
Toledo-Cardona; Bank of America, N. A. *v.* 1011,1059
Tollefson; Coleman *v.* 1147
Tollefson; Coleman-Bey *v.* 1147
Tollette *v.* Chatman 866
Tomlin *v.* Cohen 964
Tomlinson *v.* United States 1172
Toney *v.* United States 805

Page
Tong *v.* Superior Ct. of Cal., Sacramento County 1089
Toombs *v.* Stephens 831
Torkornoo *v.* Torkornoo 811,1080,1191,1203
Torres *v.* Reybold Holmes, Inc. 1168
Torres *v.* United States 1048
Torres Castilla *v.* United States 910
Torres-Sabrado *v.* United States 1019
Tovar *v.* United States 859,1000
Toves; Bright *v.* 857,1109
Towles *v.* Pennsylvania 1193
Townsend *v.* Cleveland 1086
Townsend *v.* United States 1102,1173
TPCII, LLC; Barnwell *v.* 1028
Trail Enterprises, Inc. *v.* Houston 922
Trammell; Cole *v.* 891
Trammell; Knox *v.* 941
Tran *v.* Stephens 1024
Transport Services Co. of Ill. *v.* Smith 1154
Traquina; Williams *v.* 1161
Trauth *v.* Tillman 995
Traverse; DeGiacomo *v.* 976
Travis *v.* United States 825
Traylor *v.* Gerratana 978
Treistman *v.* Cayley 882
Trent *v.* United States 1175
Tribley; Jenkins *v.* 1138
Trimuar, *In re* 1044
Trinh *v.* California 1139
Triplett *v.* U. S. Postal Service 941,1110
Trochez-Jimenez *v.* Washington 1053
Trotter *v.* Utah 1073
Trucchio *v.* United States 918
Trudeau *v.* United States 945,1181
Trujillo *v.* Sherman 1032,1187
Truss *v.* Burt 994
Tsan-Kuen Wang; Shao *v.* 1134,1161
Tse *v.* Biter 1083
Tse *v.* Google, Inc. 1156
Tuakalau *v.* United States 880
Tubbs *v.* United States 1092
Tuccio *v.* U. S. Security Associates, Inc. 810,1013
Tucker, *In re* 932,1056
Tucker; Gardner *v.* 904
Tucker *v.* United States 821,1097

Page
Tucson; Lockerby *v.* 875
Tuduj *v.* Illinois 1172
Tulsa; Fields *v.* 1027
Turnbull *v.* Texas 861
Turner, *In re* 1151
Turner; Bradley *v.* 901
Turner *v.* Burt 1138
Turner *v.* California Forensic Medical Group 937
Turner *v.* Lowden 1072,1160
Turner *v.* National Council of State Bds. of Nursing, Inc. 934
Turner *v.* Superior Ct. of Cal., Los Angeles County 987
Turner *v.* United States 814,924,1020
Tuscaloosa; Sesson *v.* 1197
Tussey *v.* ABB, Inc. 991
T. W. *v.* Missouri Dept. of Social Services, Children's Division . . . 900
Tweed *v.* Bondi 889
2176 Pacific Homeowners Assn.; Yan Sui *v.* 811,1029
Tyler *v.* Lazaroff 940
Tyler *v.* Ryan 825
Tyll; Berry *v.* 980
Tyson Foods, Inc.; Hithon *v.* 1028
UAL Corp.; Malaney *v.* 823
U-Haul Co. of W. Va. *v.* Zakaib 816
Ulrich *v.* Frink 845
Ulster Savings Bank; Dimery *v.* 1192
Umali *v.* Capra 924
Unemployment Compensation Bd. of Review; Johnson *v.* 886,1044
Unger *v.* Michigan 873
Unger; Santiago *v.* 1141
Union Savings Bank; Schaefer *v.* 935
United Church of Christ; Smith *v.* 1156
United National Maintenance *v.* San Diego Convention Center . . 1077
United Parcel Service, Inc.; Shipman *v.* 1078
United Parcel Service, Inc.; Young *v.* 972
United States. See name of other party.
U. S. Bank N. A.; Kumar *v.* 991
U. S. Bank N. A.; Parker *v.* 1151
U. S. Bank N. A.; Phi Cam Luong *v.* 935,1056
U. S. Bank N. A.; Quiroz *v.* 957,1049
U. S. Bank N. A. *v.* Verizon Communications, Inc. 1156
U. S. Bankruptcy Court; Bishop *v.* 810,1049
U. S. Citizenship and Immigration Services; McKenzie *v.* 1077
U. S. Congress; Shade *v.* 881
U. S. Court of Appeals; Riggins *v.* 1119

Page
U. S. Court of Appeals; Yelverton *v.* 837
U. S. Court of Appeals for Veterans Claims; Gilchrist *v.* 971
U. S. District Court; Alexander *v.* 978,1110
U. S. District Court; Amir-Sharif *v.* 938
U. S. District Court; Amura *v.* 1070
U. S. District Court; Azam *v.* 1071
U. S. District Court; Bakri *v.* 1078
U. S. District Court; Berman *v.* 974
U. S. District Court; Carter *v.* 1162
U. S. District Court; Coffman *v.* 1042
U. S. District Court; Dougherty *v.* 963
U. S. District Court; El Mujaddid *v.* 854
U. S. District Court; Emerson Electric Co. *v.* 871
U. S. District Court; Endsley *v.* 852
U. S. District Court; Fatouros *v.* 889
U. S. District Court; Florence *v.* 1196
U. S. District Court; Han Yong Kim *v.* 960
U. S. District Court; Holloway *v.* 879,1186
U. S. District Court; Johnson *v.* 1070
U. S. District Court; Klayman *v.* 817
U. S. District Court; Levy Gardens Partners 2007, L. P. *v.* 921
U. S. District Court; Marcelli *v.* 979
U. S. District Court; Marcusse *v.* 1149
U. S. District Court; McGhee *v.* 1088
U. S. District Court; Neto *v.* 944
U. S. District Court; Nixon *v.* 809
U. S. District Court; Porauto Industrial Co., Ltd. *v.* 1027
U. S. District Court; Rodgers *v.* 889
U. S. District Court; Sims *v.* 854
U. S. District Court; Smith *v.* 922
U. S. District Court; Stebbins *v.* 1119
U. S. District Court; White *v.* 1125
U. S. District Court; Whitley *v.* 957
U. S. District Judge; Isby-Isreal *v.* 804
U. S. District Judge; Richardson *v.* 1179
U. S. District Judge; Thibodeaux *v.* 1197
U. S. Parole Comm'n; Smith *v.* 906
U. S. Parole Comm'n; Varellas *v.* 850
U. S. Postal Service; Erickson *v.* 1150
U. S. Postal Service; Jones *v.* 801,809,989
U. S. Postal Service; McDonald *v.* 927
U. S. Postal Service; Montgomery *v.* 960,1056
U. S. Postal Service; Triplett *v.* 941,1110
U. S. Security Associates, Inc. *v.* Abdullah 815

Page
U. S. Security Associates, Inc.; Tuccio *v.* 810,1013
United States Steel Corp.; Green *v.* 818
Universal Lighting Technologies; Lighting Ballast Control LLC *v.* 1133
Universal Protection Service; Moorer *v.* 1124
University Medical Center, Inc.; Mitchell *v.* 941
University of Ark. at Little Rock; Abdulla *v.* 883,1043
University of Houston; Chhim *v.* 1165
University of Louisville Hospital; Mitchell *v.* 941
University of Pa.; Chandler *v.* 978
University of Phoenix; Drummer *v.* 848
University of Rochester; Lembaris *v.* 1121
Unknown; Jauregui *v.* 835
Unknown Employee of the Houston FBI; Credico *v.* 1008
Unknown Probation Officer; Coulter *v.* 824
Unum Life Ins. Co. of America; Merrimon *v.* 1136
Unwin; Green *v.* 975
Upchurch *v.* Warren 879
Upson *v.* New York 962
Urias Sanchez *v.* United States 910
Uribe; Collins *v.* 888
Uribe-Nava *v.* United States 1141,1176
Uriel Castaneda *v.* McEwen 883
Uriostegui-Hernandez *v.* United States 877
Utah; Trotter *v.* 1073
Utility Air Regulatory Group *v.* EPA 814,1021,1067
Uttecht; Dermendziev *v.* 886,1067
Uttecht; Ish *v.* 1139
Uttecht; Martin *v.* 811,1025
Uttecht; Whittier *v.* 1182
Uzamere *v.* United States 981
V.; Wyatt *v.* 1011
Vaeth *v.* Lamone 889
Valencia *v.* United States 1141
Valencia-Arroyo *v.* United States 967
Valencia-Mazariegos *v.* United States 1200
Valentine *v.* United States 871
Valenzuela; Bats *v.* 835
Valenzuela; Eckstrom *v.* 945
Valenzuela; Rodgers *v.* 943,1111
Valenzuela; Wilson *v.* 845
Valenzuela-Morales *v.* United States 843
Vallejo *v.* Countrywide Bank, F. S. B. 1136
Vallejo-Luna *v.* United States 905
Valle-Manjarrez *v.* United States 1180

Page
Valles; Stonecipher *v.* 1062
Valley *v.* United States 984
Vallone *v.* United States 1181
Van Allen *v.* McDonald 973,1071
Van Buren *v.* California 994,1111
Vance *v.* United States 1102,1159
Van Cooley *v.* United States 1100
Vandenberg *v.* Vandenberg 870
Vanegas *v.* United States 929
VanLaar *v.* United States 998
Van Nguyen *v.* Pham 1025,1123
Van Nguyen *v.* United States 903,999,1090
Van Tassel *v.* Hodge 991
Varano; Mathis *v.* 838,1066
Varano; Rambert *v.* 913,1044
Varela *v.* United States 1036
Varela-Cruz *v.* United States 888
Varellas *v.* U. S. Parole Comm'n 850
Vargas *v.* United States 861,908
Vargas-Ocampo *v.* United States 864
Vargo; Boyd *v.* 896
Vasquez *v.* United States 1177
Vasquez-Rivera *v.* United States 1029
Vaughan; Morrison *v.* 857
Vaughan *v.* Setter 1173
Vaughn *v.* Blanchard 880
Vaughn; Muhammad *v.* 1124
Vazques *v.* United States 1177
Vazquez *v.* United States 1102
Vazquez-Ramirez *v.* United States 1180
Veasey *v.* Perry 951
Vederi, LLC; Google, Inc. *v.* 1071
Velasco *v.* California 1124
Velasco Sifuentes *v.* California 1072
Velasquez-Contreras *v.* United States 1098
Velasquez-Rivera *v.* United States 1094
Velazquez-Rameriz *v.* Fayram 1139
Veleanu *v.* Schneiderman 808
Venegas *v.* Stephens 938
Ventress *v.* Japan Airlines 863
Ventura *v.* United States 857
Verdugo *v.* Miller 1094
Verizon Communications, Inc.; U. S. Bank N. A. *v.* 1156
Verizon New York, Inc.; Kurtz *v.* 1121

Page
Verizon Wireless; Jaeger *v.* 818
Verkerk *v.* North Carolina 976
Vermont; C. R. *v.* 938
Vermont; Mayo *v.* 1125
Vermont Bd. of Bar Examiners; Hirsch *v.* 810,990,1013
Vermont Right to Life Committee, Inc. *v.* Sorrell 1074
Vernon *v.* Pastrana 1199
Vertil *v.* United States 910
Vice *v.* United States 1178
Vice *v.* Weber 1085
Vicente-Sapon *v.* United States 915
Victorian *v.* Soto 1137
Victory *v.* Crews 943
Vidal *v.* United States 829
Vidaurri; Kenner *v.* 1198
Viegelahn; Harris *v.* 1058
Villagrana *v.* United States 1029
Villalobos *v.* United States 889,1094
Villanova-Delgado *v.* United States 1184
Villa-Ramirez *v.* United States 882
Vilsack; Guy *v.* 1053
Vimont *v.* Haugen 1156
Vincent; Annucci *v.* 1074
Viney *v.* United States 1184
Vinson *v.* Michigan 996
Viola *v.* United States 810,1011,1097
Viola *v.* Zickefoose 1070,1151
Viramontes *v.* United States 883
Virden *v.* California 823
Virga; Payne *v.* 1011
Virginia; Arline *v.* 940
Virginia; Armstrong *v.* 986,1111
Virginia; Bomber *v.* 896
Virginia; Carter *v.* 847
Virginia; Cary *v.* 938
Virginia; Conner *v.* 831
Virginia; Cuffee *v.* 846
Virginia; Davis-Bey *v.* 1031
Virginia; Faulk *v.* 888
Virginia; Fortune *v.* 1196
Virginia; Harris *v.* 1196
Virginia; Hurley *v.* 979
Virginia; Johnson *v.* 844,1043
Virginia; Joyner *v.* 1091

Page
Virginia; Justice *v.* 858
Virginia; Kelmar *v.* 1158
Virginia; Lam Dang *v.* 853
Virginia; Lee *v.* 944
Virginia; Martinelly-Montano *v.* 1094
Virginia; O'Connor *v.* 805,970
Virginia; Ortega *v.* 1173
Virginia; Pelletier *v.* 912
Virginia; Perry *v.* 821
Virginia; Roundtree *v.* 1166
Virginia; Shabazz *v.* 980,1110
Virginia; Shell *v.* 1097
Virginia; Taylor *v.* 1165
Virginia; Willis *v.* 1154
Visible Measures Corp. *v.* Strickland 960
Vivo *v.* Connecticut 1126
Vizcarrondo-Casanova *v.* United States 918
Vo *v.* California 1160
Vo *v.* Cash 806
Voeltz, *In re* 932
Vogel *v.* Baron 974
Vogel; Novo Point LLC *v.* 974
Voits *v.* Nooth 1034
Volkman *v.* United States 955
Von Beltz *v.* Bentley Homes, LLC 1195
Vondette *v.* United States 1200
Von Saher; Norton Simon Museum of Art at Pasadena *v.* 1121
Von Zenon *v.* United States 915
Vroman; Coleman *v.* 1147
Vroman; Coleman-Bey *v.* 1147
V. S. T. *v.* R. W. 1154
Vu *v.* Evers 1172
Vu *v.* Pennsylvania 1065,1187
Vuyyuru *v.* Harp 976
W. *v.* Missouri Dept. of Social Services, Children's Division 900
Wacholz, *In re* 1008
Wacker *v.* Crews 888
Waddy *v.* United States 967
Wade *v.* Crews 1035
Waldron *v.* Illinois 891
Walia *v.* Karcioglu 1162
Walker *v.* California 1157
Walker *v.* Cartledge 831
Walker *v.* Colorado 847

Page
Walker; Frank *v.* 929
Walker *v.* Texas 834
Walker *v.* Texas Division, Sons of Confederate Veterans, Inc. . . . 1045
Walker *v.* United States 945,1037,1052
Walker *v.* Wolf 876
Wall; Oliver *v.* 848
Wallace *v.* Cain 882
Wallace; Hale *v.* 1063
Wallace *v.* Jeanes 1083
Wallace *v.* United States 850,966,1160,1199
Wallace *v.* Wallace 818
Wallace *v.* Young 1164
Waller *v.* Posey 1124
Wallingford; Burgess *v.* 1153
Wal-Mart Stores East, L. P.; Josey *v.* 989
Wal-Mart Stores, Inc.; Thews *v.* 975
Wals *v.* United States 965
Walsh; Hahn *v.* 1156
Walsh *v.* Mississippi 1095
Walsh; Pinto *v.* 1125
Walterman *v.* United States 890
Walters *v.* United States 1175
Walton *v.* Lee 880
Walt's Plumbing and Heating; Peterson *v.* 1195
Wamala *v.* Reilly 907
Wang *v.* International Business Machines Corp. 1108
Wang; Shao *v.* 1134,1161
Wanna *v.* United States 851
Wanton *v.* Pacific Arches Corp. 831
Warch *v.* Longshoremen 975
Ward *v.* Barrett 844
Ward *v.* Biter 855
Ward *v.* Klee 834
Ward *v.* Michigan Parole Bd. 809
Ward *v.* Stoddard 802
Ward; Swanson *v.* 920
Ward *v.* United States 1094
Ware *v.* General Motors Corp. 841
Ware *v.* Hill 880
Warefield *v.* Warefield 1083
Warger *v.* Shauers 40
Warith *v.* Greater Cleveland Regional Transit Auth. 938
Warner *v.* Gross 1112
Warner; Numrich *v.* 838

Page
Warner Bros. Entertainment, Inc.; Fortres Grand Corp. *v.* 1108
Warren *v.* Bank of America, N. A. 869,1123
Warren; Bates *v.* 837
Warren *v.* Biter 1167
Warren; Clarke *v.* 1071
Warren; Dalton *v.* 941
Warren; Dolph-Hostetter *v.* 1030
Warren; McCarty *v.* 908
Warren *v.* Miller 1088,1187
Warren; Sykes *v.* 1084
Warren; Upchurch *v.* 879
Warren-Bey *v.* Clarke 1193
Warshak *v.* United States 1000
Washburn; Wright *v.* 1162
Washington *v.* Alfaro 1168
Washington; Bennett *v.* 939
Washington; Betts *v.* 863
Washington *v.* Brown 852
Washington; Butsch *v.* 1161
Washington *v.* Circuit Court of Mich., Lenawee County 1088
Washington *v.* Clarke 1165
Washington; Coley *v.* 1174
Washington *v.* Countrywide Home Loans, Inc. 876
Washington *v.* Denney 877
Washington *v.* Donahoe 1017
Washington *v.* Grace 994
Washington; Grier *v.* 860
Washington; Johnson *v.* 856
Washington; Kothari *v.* 983,1111
Washington; Maddaus *v.* 1088
Washington; Mendez *v.* 833
Washington; Middleworth *v.* 985
Washington; Njonge *v.* 1065
Washington; Ollivier *v.* 834
Washington; Olsen *v.* 912
Washington *v.* Oregon 1016
Washington; Piatnitsky *v.* 1081
Washington; Rowland *v.* 854
Washington; Ruiz *v.* 833
Washington; Smith *v.* 863
Washington; Sorensen *v.* 994
Washington; Trochez-Jimenez *v.* 1053
Washington *v.* United States 908,921,1099,1103,1174
Washington; Williams *v.* 927

Page
Washington State Judicial System; Sherman *v.* 864
Washington Univ. in St. Louis Physicians; M. J. *v.* . . 957,1060,1120,1160
Wasser *v.* United States 1142
Waste Management of Ohio, Inc.; Hobart Corp. *v.* 1122
Waters *v.* Clarke 983,1111
Waters *v.* United States 1049
Watkins *v.* Crews 810,1013
Watkins *v.* Haynes 804
Watkins *v.* United States 1183
Watson *v.* United States 861,966,1037
Watson Pharmaceuticals, Inc.; Shire Development, LLC *v.* 1134
Watts *v.* California 897
Watts *v.* Sawyer 961
Watts *v.* South Carolina 1171
Watts *v.* Wells Fargo Advisors, LLC 870
Waupaca Foundry, Inc. *v.* DeKeyser 987
Waverly *v.* New Jersey 935
Weaver *v.* United States 947
Weaving *v.* Hillsboro 1191
Webb *v.* Clark 845,1055
Webb *v.* Pennsylvania 831
Webb *v.* United States 877,920
Webb *v.* Webb 1031
Weber; Dosch *v.* 881
Weber; Vice *v.* 1085
Webster *v.* Aramark Correctional Services, Inc. 1124
Webster *v.* Colorado 1095
Webster *v.* United States 808,918,1140
Wedington *v.* United States 841
Weekley *v.* Jones 1137
Weeks *v.* United States 1017
Wei *v.* Michigan 979
Weigel *v.* Wisconsin Office of Lawyer Regulation 935
Weikert *v.* Bigelow 840
Weinberg *v.* Johnson 992
Weinberger *v.* Stephens 846
Weinstein, *In re* 1189
Weir *v.* United States 1178
Weisinger *v.* United States 1179
Weiss *v.* Minnesota 862,1043
Weissman *v.* Weissman 1155
Welborn *v.* Bank of N. Y. Mellon Corp. 821
Welch, *In re* 1010
Welker; Leatherwood *v.* 1083

Page
Wellness International Network, Ltd. *v.* Sharif 1059
WellPoint, Inc.; Medical Assn. of Ga. *v.* 1153
WellPoint, Inc.; Myrick *v.* 1192
Wells *v.* Chrysler Group LLC 934
Wells *v.* United States 817
Wells Fargo Advisors, LLC; Watts *v.* 870
Wells Fargo Bank; Clark *v.* 1163
Wells Fargo Bank; Hinchliffe *v.* 867,1067
Wells Fargo Bank, N. A.; Daniel *v.* 992
Wells Fargo Bank, N. A.; Perkins *v.* 959
Wells Fargo Bank, N. A.; Schueller *v.* 908
Wells Fargo & Co.; Schueller *v.* 908
Wells Fargo Home Mortgage, Inc.; Saari *v.* 982
Welvaert *v.* Stephens 941
Wenderlich; Romero *v.* 962
Wenerowicz; Anderson *v.* 860
Wenerowicz; Richard *v.* 885,1044
Wenk; Brent *v.* 810,1013,1110
Wen Liu *v.* Mount Sinai School of Medicine 1032,1143
Werber *v.* Ohio 940
Wescom; Schultz *v.* 1060
Wessel *v.* Gowers 1138
West *v.* United States 943
West *v.* Wisconsin 1149
West Chelsea Buildings LLC *v.* United States 1073
Westland; Martin *v.* 826
Westman; Buecking *v.* 869
Weston *v.* Denney 1126
West Virginia; Dorsey *v.* 1099
West Virginia; Hargus *v.* 832
West Virginia; Prophet *v.* 1015,1111
West Virginia *ex rel* U-Haul Co. of W. Va. *v.* Zakaib 816
Wetsch *v.* United States 863
Wetzel; Collins *v.* 982
Wetzel; Jones *v.* 841
Wetzel *v.* Lark 1108
Wetzel; Paddy *v.* 1016
Whalen *v.* United States 1002
Whaley *v.* Haas 981
Whatley *v.* Alabama 840
Wheeler *v.* DeSautel 930,1025
Wheeler *v.* Falk 1032
Wheelock *v.* Macomber 908
Wheetley *v.* Tennessee 1134

Page
Whiddon; Cummings *v.* 1032
Whitaker *v.* Mississippi 1123
Whitaker *v.* New York Univ. 833
Whitby *v.* Office of Personnel Management 811,1080
White *v.* Circuit Court of Mich., Oakland County 1031
White; Clegg *v.* 1030,1186
White *v.* Deloitte & Touche 808,1155
White; Foley *v.* 1082
White *v.* Jones 1084
White *v.* Kansas City Area Transp. Authority 1016
White *v.* Mortgage Electronic Registration Systems, Inc. 1168
White *v.* Neven 1172
White; Rosenbaum *v.* 815
White; Sears *v.* 841
White; Sullen *v.* 902
White *v.* Texas 1198
White *v.* United States 828,910,944,1101,1142
White *v.* U. S. District Court 1125
White *v.* White 823
Whitehead *v.* United States 875,918
Whiteley *v.* Holder 1013
White-Robinson *v.* Developers Diversified Realty 818
Whiteside *v.* Morgan 1161
Whitfield *v.* United States 265,920
Whitley *v.* Lee 823
Whitley *v.* U. S. District Court 957
Whitlow *v.* United States 887
Whitman *v.* United States 1003
Whitt *v.* Oliver 844
Whittaker *v.* Mackie 852,1109
Whittier *v.* Uttecht 1182
Whittley *v.* United States 1183
Whole Woman's Health *v.* Lakey 931
Wick *v.* Arnold 1051
Wickware *v.* United States 1001
Wideman *v.* Pueblo County Dept. of Social Services 1077
Wideman *v.* Thomas 1169
Wiggins *v.* United States 915
Wilborn *v.* Illinois 896
Wilcox *v.* Florida 1161
Wild Horse Observers Assn. *v.* Jewell 818
Wilhite *v.* Texas 888
Wilkening *v.* Board of Ed. of Oldham County 1012
Wilkerson *v.* Montgomery 853

Page
Wilkerson *v.* United States 935
Wilkes *v.* United States 1049
Wilkins *v.* Alameda County 905
Wilkins *v.* General Electric Co. 924
Wilkins *v.* Stephens 1152
Willess *v.* United States 870,1043
Williams, *In re* 1046
Williams *v.* Bauman 1064
Williams *v.* Board of Ed. of Baltimore County 1137
Williams; Burlison *v.* 886
Williams *v.* Canady 1032,1187
Williams; Coppin *v.* 846
Williams *v.* CVS Pharmacy Inc. 823
Williams *v.* Day 803,1024
Williams *v.* Decker 1165
Williams *v.* Federal Grievance Committee 1156
Williams *v.* Florida 836,911,1044
Williams *v.* Hastings 814
Williams *v.* Holder 835
Williams *v.* Home Depot 821
Williams *v.* Illinois Attorney Registration and Discip. Comm'n . . 959
Williams; Judkins *v.* 851
Williams *v.* Leeds 869,1043
Williams; Leonetti *v.* 961
Williams *v.* Lester 1166
Williams *v.* Ludwick 1140
Williams *v.* Maryland 879,1093,1202
Williams *v.* Milwaukee Health Services, Inc. 910,1044
Williams *v.* Perritt 1125
Williams *v.* Revco Discount Drug Centers, Inc. 823
Williams *v.* Stephens 807,1064
Williams *v.* Texas 844,882
Williams *v.* Traquina 1161
Williams *v.* United States 829,854,877,902,911,912,924,998,1133,1175
Williams *v.* Washington 927
Williams *v.* Zatecky 1195
Williams *v.* Zickefoose 926
Williams-Boldware *v.* Denton County 821
Williamson *v.* Hobbs 896,1044
Williamson *v.* United States 859,1183
Williams-Yulee *v.* Florida Bar 1024
Willie *v.* Commission for Lawyer Discipline 1123
Willis, *In re* 932
Willis *v.* Illinois 830

Page
Willis *v.* United States 1037
Willis *v.* Virginia 1154
Wilmont; Banerjee *v.* 1028
Wilson, *In re* 812,1190
Wilson *v.* Arkansas 1179
Wilson *v.* Cain 1138
Wilson *v.* Condon 1021
Wilson *v.* Dayton 1134
Wilson *v.* Douglas 1050,1111
Wilson; Fitchett *v.* 960
Wilson *v.* Florida 877
Wilson; Griffin *v.* 1037,1203
Wilson; Harrell *v.* 1140
Wilson *v.* Harrington 1124
Wilson *v.* Long Beach 1121
Wilson *v.* McCall 896
Wilson *v.* Selma Water Works and Sewer Bd. 864,1043
Wilson; Strouse *v.* 943,1111
Wilson *v.* Texas 847,1043
Wilson *v.* United States 829,967,1098,1202
Wilson *v.* Valenzuela 845
Wilson Oil Co. *v.* Houston 922
Wiltshire *v.* United States 945
Windstream Corp.; Communications Workers *v.* 1153
Winfield *v.* Mercy Hospital 833,1109
Wingard; Pendleton *v.* 1164
Wingeart *v.* Bergh 904,1056
Wingle *v.* United States 889
Winn; Short *v.* 1083
Winston *v.* United States 906
Winter *v.* Davey 963
Winters *v.* United States 923
Wirta; Lefkowitz *v.* 1042
WISAM 1, Inc. *v.* Illinois Liquor Control Comm'n 1191
WISAM 1, Inc. *v.* Sheridan Liquors 1191
Wisconsin; Joseph *v.* 1179
Wisconsin; O'Brien *v.* 993
Wisconsin; Pinno *v.* 1062
Wisconsin; Purtell *v.* 1037
Wisconsin; Seaton *v.* 1060
Wisconsin; Subdiaz-Osorio *v.* 943
Wisconsin; Tate *v.* 1126
Wisconsin; West *v.* 1149
Wisconsin Alumni Research Foundation; Consumer Watchdog *v.* 1153

Page
Wisconsin Office of Lawyer Regulation; Weigel *v.* 935
Witkin *v.* Frauenheim 844,1043
Wofford; Miller *v.* 1085
Wolf; Walker *v.* 876
Wolfenbarger; Cavin *v.* 1016
Wolfenberger; Montanez *v.* 1050
Wong *v.* Massachusetts Dept. of Social Services 807
Wood, *In re* 958
Wood; Crane Co. *v.* 1156
Wood *v.* Indiana 874
Wood *v.* United States 807
Woodall *v.* Georgia 846
Woodall *v.* Mahally 1088
Woodfill *v.* Burwell 873
Woods *v.* Arizona 972,1139
Woods *v.* California 851
Woods *v.* Carey 892
Woods; Frazier *v.* 1171
Woods; Heximer *v.* 839,1203
Woods; Johnson *v.* 1086
Woods; Jones *v.* 942
Woods; MacKenzie *v.* 834
Woods *v.* Pash 1166
Woods; Ramsey *v.* 1084
Woods; Reed *v.* 1082
Woods *v.* Regents of the Univ. of Cal. 1016,1111
Woods; Times *v.* 880
Woods *v.* United States 867,909,1199
Woodson *v.* Maryland State's Attorney Office 1052
Woodson *v.* United States 863,1020
Woodward *v.* Florida 1156
Woodward; Harrison *v.* 801
Woolridge *v.* United States 999
Wooten *v.* Soto 859
Wordly *v.* San Miguel 981
WorldCom, Inc. *v.* Internal Revenue Service 815
Worsham, *In re* 1023
Worsham *v.* United States 885
Wriggelsworth; Dewald *v.* 875
Wright *v.* California Dept. of Corrections 1089
Wright; Christian *v.* 848
Wright *v.* Florida 1168
Wright; Houston *v.* 864,1043
Wright *v.* Landford 1064

Page
Wright *v.* Pastrana 920
Wright *v.* Pennsylvania 1173
Wright; Smith *v.* 1084
Wright *v.* United States 889,931,1035,1096,1101,1203
Wright *v.* Washburn 1162
Wurtz; Rawlings Co., LLC *v.* 1153
Wyatt *v.* F. E. V. 1011
Wyatt *v.* United States 1053
Wyeth, Inc.; Moretti *v.* 1160
Wylie *v.* Daly 830,1109
Wynne; Comptroller of the Treasury of Md. *v.* 957
Wynter, *In re* 813
Wyoming; Montana *v.* 1150
X *v.* United States 999
Xing Liang *v.* Holder 817
Xun Xing Liang *v.* Holder 817
Yaghi *v.* United States 861
Yalincak *v.* United States 968
Yaman *v.* Yaman 1189
Yamba *v.* United States 1182
Yang *v.* Marshack 931,1062
Yankey *v.* United States 893
Yan Sui *v.* Goodrich 1046,1081
Yan Sui *v.* Marshack 1010,1031,1081
Yan Sui *v.* Price 810
Yan Sui *v.* Southside Towing 1049
Yan Sui *v.* 2176 Pacific Homeowners Assn. 811,1029
Yaodi Hu, *In re* 1190
Yarbrough *v.* Kansas 836
Yarn *v.* Hall 1178
Yasith Chhun *v.* United States 853
Yassine *v.* United States 1052,1178
Yates; McIntosh *v.* 1196
Yates *v.* United States 528
Yavapai-Apache Nation; MM&A Productions, LLC *v.* 1061
Yazdchi *v.* Texas 1124
Yazzie *v.* United States 906
Ybarra; Harris *v.* 942,1044
Yeary *v.* United States 1123
Yeggy; Cloke *v.* 810
Yeh *v.* Biter 996
Yelverton *v.* U. S. Court of Appeals 837
Yepez Lopez *v.* Montgomery 895
Y. H. *v.* Florida Bd. of Bar Examiners 1016

Page
Yick Man Mui *v.* United States 1109
Yong Chul Son *v.* Chu Cha Lee 972
Yong Kim *v.* U. S. District Court 960
Yordy; Santistevan *v.* 1097
Youkelsone *v.* Federal Deposit Ins. Corp. 945
Young *v.* Bickell 890
Young; Isby-Israel *v.* 804
Young; Kitko *v.* 1154
Young *v.* Nooth 931
Young; Nooth *v.* 931
Young; Schultz *v.* 906,1186
Young *v.* United Parcel Service, Inc. 972
Young *v.* United States 861,876,945,1093,1184
Young; Wallace *v.* 1164
Youngblood *v.* Kim 809
Young-Gibson *v.* Board of Ed. of Chicago 1061,1186
Yousef *v.* United States 898
Yousuf; Samantar *v.* 931
Yowell *v.* Abbey 814
Yow Ming Yeh *v.* Biter 996
Yuan Hu *v.* Department of Defense 840
Yufa *v.* Lockheed Martin Corp. 1075,1186
Zafra Velasco *v.* California 1124
Zagranski *v.* Massachusetts 861
Zakaib; West Virginia *ex rel.* U-Haul Co. of W. Va. *v.* 816
Zaky *v.* United States 1182
Zamastil *v.* United States 1081
Zambrano *v.* United States 1094
Zamil Group Holding Co.; Special Industries, Inc. *v.* 1155
Zamudio-Orosco *v.* United States 1035
Zappala; DeGenes *v.* 872,1056
Zarychta, *In re* 932
Zatecky; Evans *v.* 1083
Zatecky; Lee *v.* 889
Zatecky; Williams *v.* 1195
Zavala *v.* California 836
Zavaleta-Ramirez *v.* Holder 1191
Zebrowski *v.* Federal Bureau of Prisons 840
Zebrowski *v.* Martin 852
Zedillo Ponce de Leon; Doe *v.* 818
Zeem; Dixon *v.* 994
Zemla; DiGeronimo Aggregates, LLC *v.* 1077
Zetina-Sandoval *v.* United States 889
Zickefoose; Thornton *v.* 805,1024

Page
Zickefoose; Viola *v.* 1070,1151
Zickefoose; Williams *v.* 926
Zierke *v.* United States 851
Zink *v.* Missouri 1161
Zinni *v.* Jackson White, PC 931,1030
Zinni *v.* M & I Marshall & Ilsley Bank 811,1029
Zolicoffer *v.* United States 894
Zoll Lifecor Corp. *v.* Philips Electronics North America Corp. . . . 1154
Zoning Bd. of Appeals of Framingham; Butler *v.* 991,1110
Zoubairi *v.* Holder 1191
Zucker, *In re* 1188
Zucker *v.* Federal Deposit Ins. Corp. 990
Zuckerberg; Klayman *v.* 1012
Zulueta *v.* United States 821,1042
Zuniga *v.* Stephens 807
Zuniga *v.* United States 1103
Zweifel *v.* Mead 896
Zweifel; Mead *v.* 978,1126
Zweifel *v.* Zweifel 896,978,1126
Zydus Pharmaceuticals USA; Takeda Pharmaceutical Co. Ltd. *v.* 1026

CASES ADJUDGED

IN THE

SUPREME COURT OF THE UNITED STATES

AT

OCTOBER TERM, 2014

LOPEZ, WARDEN *v.* SMITH

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

No. 13–946. Decided October 6, 2014

During respondent's first-degree murder trial, the prosecution argued that respondent delivered the fatal blow that killed his wife, but during closing argument, the prosecution also contended that, even if respondent was physically incapable of delivering the fatal blow, he could still be convicted on an aiding-and-abetting theory. The jury convicted respondent without specifying which theory it adopted. The California Court of Appeal rejected respondent's claim that he had inadequate notice of the possibility of conviction on an aiding-and-abetting theory, holding that the information charging respondent with first-degree murder and preliminary examination testimony provided adequate notice. The California Supreme Court denied review. A Federal District Court, however, granted respondent's petition for habeas relief, and the Ninth Circuit affirmed.

Held: The Ninth Circuit had no basis to reject the state court's assessment. Assuming that a defendant is entitled to notice of the possibility of conviction on an aiding-and-abetting theory, the Ninth Circuit pointed to no cases of this Court establishing that, once adequately apprised of such a possibility, a defendant can nevertheless be deprived of adequate notice by a prosecutorial decision to focus on another theory at trial. Instead, it relied on one of its own decisions. Circuit precedent, however, cannot "refine or sharpen a general principle of Supreme Court

jurisprudence into a specific legal rule that this Court has not announced." *Marshall* v. *Rodgers*, 569 U. S. 58, 64 (*per curiam*). Because the Ninth Circuit did not identify a decision of this Court clearly establishing a relevant standard, it had nothing against which it could assess, and deem lacking, the notice afforded respondent by the information and proceedings.

Certiorari granted; 731 F. 3d 859, reversed and remanded.

PER CURIAM.

When a state prisoner seeks federal habeas relief on the ground that a state court, in adjudicating a claim on the merits, misapplied federal law, a federal court may grant relief only if the state court's decision was "contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States." 28 U. S. C. § 2254(d)(1). We have emphasized, time and again, that the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 110 Stat. 1214, prohibits the federal courts of appeals from relying on their own precedent to conclude that a particular constitutional principle is "clearly established." See, *e. g.*, *Marshall* v. *Rodgers*, 569 U. S. 58, 64 (2013) (*per curiam*). Because the Ninth Circuit failed to comply with this rule, we reverse its decision granting habeas relief to respondent Marvin Smith.

I

Respondent was arrested for the murder of his wife, Minnie Smith. On December 15, 2005, Mrs. Smith was found dead in the home she shared with respondent, and it was determined that she was killed by a massive blow to the head from a fireplace log roller. The home appeared to have been ransacked, and valuable jewelry was missing.

The State charged respondent with first-degree murder and offered substantial incriminating evidence at trial. The prosecution presented evidence that respondent "was unfaithful to his wife for many years, that his wife was threatening to divorce him, and that he told one of his former em-

ployees . . . that the 'only way' he or his wife would get out of their marriage was 'to die,' because he was 'not going to give [Mrs. Smith] half of what [he] got so some other man can live off of it.' " 731 F. 3d 859, 862–863 (CA9 2013) (second alteration in original). Respondent's DNA was also found on the murder weapon, pieces of duct tape found near the body, and a burned matchstick that was found in the bedroom and that may have been used to inflict burns on the body. See *id.*, at 863; see also *People* v. *Smith*, 2010 WL 4975500, *1–*2 (Cal. App., Dec. 8, 2010). The missing jewelry was discovered in the trunk of respondent's car, wrapped in duct tape from the same roll that had provided the pieces found near the body. See 731 F. 3d, at 863. Respondent's DNA was found on the duct tape in his trunk. See *Smith*, *supra*, at *2. In addition, a criminologist testified that the ransacking of the Smiths' home appeared to have been staged. See 731 F. 3d, at 863.

Respondent defended in part on the basis that he could not have delivered the fatal blow due to rotator cuff surgery several weeks before the murder. See *ibid.* (He mounted this defense despite the fact that police had observed him wielding a 6-foot-long 2 by 4 to pry something out of a concrete slab at a construction site the week after the murder. See *Smith*, *supra*, at *1.) The defense also suggested that one of respondent's former employees had committed the crime to obtain money to pay a debt he owed respondent. See 731 F. 3d, at 863.

At the close of evidence, the prosecution requested an aiding-and-abetting instruction, and the trial court agreed to give such an instruction. During closing argument, the prosecutor contended that respondent was physically able to wield the log roller that had killed Mrs. Smith, but he also informed the jury that, even if respondent had not delivered the fatal blow, he could still be convicted on an aiding-and-abetting theory. See *id.*, at 864. The jury convicted respondent of first-degree murder without specifying which theory of guilt it adopted.

Per Curiam

After a series of state-court proceedings not relevant here, the California Court of Appeal affirmed respondent's conviction. The state court rejected respondent's assertion that he had inadequate notice of the possibility of conviction on an aiding-and-abetting theory. The court explained that "'an accusatory pleading charging a defendant with murder need not specify the theory of murder on which the prosecution intends to rely,'" and noted that the "information charged defendant with murder in compliance with the governing statutes." *Smith*, 2010 WL 4975500, *6–*7. Furthermore, the court held that "even if this case required greater specificity concerning the basis of defendant's liability, the evidence presented at his preliminary examination provided it." *Id.*, at *7. The upshot was that "the information and preliminary examination testimony adequately notified defendant he could be prosecuted for murder as an aider and abettor." *Id.*, at *8. The California Supreme Court denied respondent's petition for review.

Respondent filed a petition for habeas relief with the United States District Court for the Central District of California. The Magistrate Judge recommended granting relief, and the District Court summarily adopted the Magistrate Judge's recommendation.

The Ninth Circuit affirmed. The court acknowledged that the "information charging [respondent] with first-degree murder was initially sufficient to put him on notice that he could be convicted either as a principal or as an aider-and-abettor," because under California law "aiding and abetting a crime is the same substantive offense as perpetrating the crime." 731 F. 3d, at 868. But the Ninth Circuit nevertheless concluded that respondent's Sixth Amendment and due process right to notice had been violated because it believed the prosecution (until it requested the aiding-and-abetting jury instruction) had tried the case only on the theory that respondent himself had delivered the fatal blow. See *id.*, at 869.

The Ninth Circuit did not purport to identify any case in which we have found notice constitutionally inadequate because, although the defendant was initially adequately apprised of the offense against him, the prosecutor focused at trial on one potential theory of liability at the expense of another. Rather, it found the instant case to be "indistinguishable from" the Ninth Circuit's own decision in *Sheppard* v. *Rees*, 909 F. 2d 1234 (1989), which the court thought "faithfully applied the principles enunciated by the Supreme Court." 731 F. 3d, at 868. The court also rejected, as an "unreasonable determination of the facts," 28 U. S. C. § 2254(d)(2), the California Court of Appeal's conclusion that preliminary examination testimony and the jury instructions conference put respondent on notice of the possibility of conviction on an aiding-and-abetting theory. See 731 F. 3d, at 871–872.

II

A

The Ninth Circuit held, and respondent does not dispute, that respondent initially received adequate notice of the possibility of conviction on an aiding-and-abetting theory. The question is therefore whether habeas relief is warranted because the State principally relied at trial on the theory that respondent himself delivered the fatal blow.

Assuming, *arguendo*, that a defendant is entitled to notice of the possibility of conviction on an aiding-and-abetting theory, the Ninth Circuit's grant of habeas relief may be affirmed only if this Court's cases clearly establish that a defendant, once adequately apprised of such a possibility, can nevertheless be deprived of adequate notice by a prosecutorial decision to focus on another theory of liability at trial. The Ninth Circuit pointed to no case of ours holding as much. Instead, the Court of Appeals cited three older cases that stand for nothing more than the general proposition that a defendant must have adequate notice of the charges against

him. See 731 F. 3d, at 866–867 (citing *Russell* v. *United States*, 369 U. S. 749, 763–764 (1962); *In re Oliver*, 333 U. S. 257, 273–274 (1948); *Cole* v. *Arkansas*, 333 U. S. 196, 201 (1948)).

This proposition is far too abstract to establish clearly the specific rule respondent needs. We have before cautioned the lower courts—and the Ninth Circuit in particular—against "framing our precedents at such a high level of generality." *Nevada* v. *Jackson*, 569 U. S. 505, 512 (2013) (*per curiam*). None of our decisions that the Ninth Circuit cited addresses, even remotely, the specific question presented by this case. See *Russell*, *supra*, at 752 (indictment for "refus-[ing] to answer any question pertinent to [a] question under [congressional] inquiry," 2 U. S. C. § 192, failed to "identify the subject under congressional subcommittee inquiry"); *In re Oliver*, *supra*, at 259 (instantaneous indictment, conviction, and sentence by judge acting as grand jury with no prior notice of charge to defendant); *Cole*, *supra*, at 197 (affirmance of criminal convictions "under a . . . statute for violation of which [defendants] had not been charged").[1]

Because our case law does not clearly establish the legal proposition needed to grant respondent habeas relief, the Ninth Circuit was forced to rely heavily on its own decision in *Sheppard*, *supra*. Of course, AEDPA permits habeas relief only if a state court's decision is "contrary to, or involved an unreasonable application of, clearly established Federal law" as determined by this Court, not by the courts of appeals. 28 U. S. C. § 2254(d)(1). The Ninth Circuit at-

[1] Respondent claims that our decision in *Lankford* v. *Idaho*, 500 U. S. 110 (1991), although not cited by the Ninth Circuit, clearly establishes the legal principle he needs. But *Lankford* is of no help to respondent. That case addressed whether a defendant had adequate notice of the possibility of imposition of the death penalty—a far different question from whether respondent had adequate notice of the particular theory of liability. See *id.*, at 111. In *Lankford*, moreover, the trial court itself made specific statements that encouraged the defendant to believe that the death penalty was off the table. See *id.*, at 116–117.

tempted to evade this barrier by holding that *Sheppard* "faithfully applied the principles enunciated by the Supreme Court in *Cole*, *Oliver*, and *Russell*." 731 F. 3d, at 868. But Circuit precedent cannot "refine or sharpen a general principle of Supreme Court jurisprudence into a specific legal rule that this Court has not announced." *Marshall*, 569 U. S., at 64. *Sheppard* is irrelevant to the question presented by this case: whether our case law clearly establishes that a prosecutor's focus on one theory of liability at trial can render earlier notice of another theory of liability inadequate.

B

The Ninth Circuit also disagreed with what it termed the state court's "determination of the facts"—principally, the state court's holding that preliminary examination testimony and the prosecutors' request for an aiding-and-abetting jury instruction shortly before closing arguments adequately put respondent on notice of the prosecution's aiding-and-abetting theory. 731 F. 3d, at 871 (internal quotation marks omitted). The Ninth Circuit therefore granted relief under § 2254(d)(2), which permits habeas relief where the state-court "decision . . . was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding." That holding cannot be sustained.

In purporting to reject the state court's "determination of the facts," the Ninth Circuit focused on preliminary examination testimony by an investigator about conversations between respondent and his cellmate. According to the investigator, the cellmate stated that respondent told him that respondent "'had to get rid of his wife because she was standing in the way of his future plans; that she was threatening to divorce him and he wasn't going to give up half of his property'"; that respondent made his house look like the site of a home invasion robbery; and that, when he left for work the morning of the murder, he left the window open and did not set the alarm. *Smith*, 2010 WL 4975500, *7.

The investigator also testified that the cellmate did not "'know any of the details of the homicide itself and how it was carried out,'" and that respondent "'never told [the cellmate] specifically who'" committed the homicide. *Ibid.* The California Court of Appeal held that these statements, taken together, suggested that respondent was involved in planning and facilitating the crime but that the fatal blow might have been delivered by an accomplice. *Ibid.* Thus, the California court believed that even assuming that the information by itself was not sufficient, this testimony naturally lent itself to conviction on an aiding-and-abetting theory and so gave respondent even greater notice of such a possibility. *Ibid.*

The Ninth Circuit also focused on the jury instructions conference, which occurred after the defense rested but before the parties' closing arguments. During that conference, prosecutors requested an aiding-and-abetting instruction, which further provided notice to respondent. The California Court of Appeal concluded that this case is distinguishable from *Sheppard* v. *Rees*, 909 F. 2d 1234, because, unlike that case, the conference here did not occur immediately before closing arguments. The Ninth Circuit disagreed, holding that because "defense counsel had only the lunch recess to formulate a response" to the aiding-and-abetting instruction, this case "is indistinguishable from *Sheppard*," where the prosecution also "requested the new instruction the same day as closing." 731 F. 3d, at 868, 870.

Although the Ninth Circuit claimed its disagreement with the state court was factual in nature, in reality its grant of relief was based on a legal conclusion about the adequacy of the notice provided. The Ninth Circuit believed that the events detailed above, even when taken together with the information filed against respondent, failed to measure up to the standard of notice applicable in cases like this. That ranked as a legal determination governed by § 2254(d)(1), not one of fact governed by § 2254(d)(2). But, as we have ex-

plained, the Ninth Circuit cited only its own precedent for establishing the appropriate standard. Absent a decision of ours clearly establishing the relevant standard, the Ninth Circuit had nothing against which it could assess, and deem lacking, the notice afforded respondent by the information and proceedings. It therefore had no basis to reject the state court's assessment that respondent was adequately apprised of the possibility of conviction on an aiding-and-abetting theory.[2]

The petition for a writ of certiorari is granted. The judgment of the United States Court of Appeals for the Ninth Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

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[2] Because we reverse the Ninth Circuit's decision on the foregoing grounds, we need not opine on the correctness of that court's discussion of *Griffin* v. *United States*, 502 U. S. 46 (1991), or *Brecht* v. *Abrahamson*, 507 U. S. 619 (1993).

Per Curiam

JOHNSON ET AL. *v.* CITY OF SHELBY, MISSISSIPPI

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

No. 13–1318. Decided November 10, 2014

Petitioners sued respondent city, asserting that their Fourteenth Amendment due process rights were violated when the city's board of aldermen fired them for bringing to light the criminal activities of one of the aldermen. The District Court entered summary judgment against petitioners for failure to invoke 42 U. S. C. § 1983 in their complaint. The Fifth Circuit affirmed.

Held: Federal pleading rules do not countenance dismissal of a complaint for imperfect statement of the legal theory supporting the claim asserted. See Fed. Rule Civ. Proc. 8(a)(2). Nor does any heightened pleading rule require plaintiffs seeking damages for violations of constitutional rights to invoke § 1983 expressly in order to state a claim. See *Leatherman* v. *Tarrant County Narcotics Intelligence and Coordination Unit*, 507 U. S. 163, 164. This Court's decisions in *Bell Atlantic Corp.* v. *Twombly*, 550 U. S. 544, and *Ashcroft* v. *Iqbal*, 556 U. S. 662, are not in point, for they concern the *factual* allegations a complaint must contain to survive a motion to dismiss. Petitioners' complaint was not deficient in that regard: They stated simply, concisely, and directly events that, they alleged, entitled them to damages from the city. On remand, they should be accorded an opportunity to add to their complaint a citation to § 1983.

Certiorari granted; 743 F. 3d 59, reversed and remanded.

PER CURIAM.

Plaintiffs below, petitioners here, worked as police officers for the city of Shelby, Mississippi. They allege that they were fired by the city's board of aldermen, not for deficient performance, but because they brought to light criminal activities of one of the aldermen. Charging violations of their Fourteenth Amendment due process rights, they sought compensatory relief from the city. Summary judgment was entered against them in the District Court, and affirmed on appeal, for failure to invoke Rev. Stat. § 1979, 42 U. S. C. § 1983, in their complaint.

We summarily reverse. Federal pleading rules call for "a short and plain statement of the claim showing that the pleader is entitled to relief," Fed. Rule Civ. Proc. 8(a)(2); they do not countenance dismissal of a complaint for imperfect statement of the legal theory supporting the claim asserted. See Advisory Committee Report of October 1955, reprinted in 12A C. Wright, A. Miller, M. Kane, R. Marcus, & A. Steinman, Federal Practice and Procedure 644 (2014) (Federal Rules of Civil Procedure "are designed to discourage battles over mere form of statement"); 5 C. Wright & A. Miller, Federal Practice and Procedure § 1215, p. 172 (3d ed. 2004) (Rule 8(a)(2) "indicates that a basic objective of the rules is to avoid civil cases turning on technicalities"). In particular, no heightened pleading rule requires plaintiffs seeking damages for violations of constitutional rights to invoke § 1983 expressly in order to state a claim. See *Leatherman* v. *Tarrant County Narcotics Intelligence and Coordination Unit*, 507 U. S. 163, 164 (1993) (a federal court may not apply a standard "more stringent than the usual pleading requirements of Rule 8(a)" in "civil rights cases alleging municipal liability"); *Swierkiewicz* v. *Sorema N. A.*, 534 U. S. 506, 512 (2002) (imposing a "heightened pleading standard in employment discrimination cases conflicts with Federal Rule of Civil Procedure 8(a)(2)").

The Fifth Circuit defended its requirement that complaints expressly invoke § 1983 as "not a mere pleading formality." 743 F. 3d 59, 62 (2013) (internal quotation marks omitted). The requirement serves a notice function, the Fifth Circuit said, because "[c]ertain consequences flow from claims under § 1983, such as the unavailability of *respondeat superior* liability, which bears on the qualified immunity analysis." *Ibid.* This statement displays some confusion in the Fifth Circuit's perception of petitioners' suit. No "qualified immunity analysis" is implicated here, as petitioners asserted a constitutional claim against the city only, not against any municipal officer. See *Owen* v. *Independence*, 445 U. S.

622, 638 (1980) (a "municipality may not assert the good faith of its officers or agents as a defense to liability under § 1983").

Our decisions in *Bell Atlantic Corp.* v. *Twombly*, 550 U. S. 544 (2007), and *Ashcroft* v. *Iqbal*, 556 U. S. 662 (2009), are not in point, for they concern the *factual* allegations a complaint must contain to survive a motion to dismiss. A plaintiff, they instruct, must plead facts sufficient to show that her claim has substantive plausibility. Petitioners' complaint was not deficient in that regard. Petitioners stated simply, concisely, and directly events that, they alleged, entitled them to damages from the city. Having informed the city of the factual basis for their complaint, they were required to do no more to stave off threshold dismissal for want of an adequate statement of their claim. See Fed. Rules Civ. Proc. 8(a)(2) and (3), (d)(1), (e). For clarification and to ward off further insistence on a punctiliously stated "theory of the pleadings," petitioners, on remand, should be accorded an opportunity to add to their complaint a citation to § 1983. See 5 Wright & Miller, *supra*, § 1219, at 277–278 ("The federal rules effectively abolish the restrictive theory of the pleadings doctrine, making it clear that it is unnecessary to set out a legal theory for the plaintiff's claim for relief" (footnotes omitted)); Fed. Rule Civ. Proc. 15(a)(2) ("The court should freely give leave [to amend a pleading] when justice so requires").

* * *

For the reasons stated, the petition for certiorari is granted, the judgment of the United States Court of Appeals for the Fifth Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

Syllabus

CARROLL *v.* CARMAN ET UX.

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

No. 14–212. Decided November 10, 2014

Jeremy Carroll, an officer of the Pennsylvania State Police, was dispatched to the home of Andrew and Karen Carman to search for a car thief. Officer Carroll and a colleague parked on a side street, exited their cars, and approached the house through the backyard. When they saw a sliding glass door that opened onto a deck, they stepped onto the deck and encountered Andrew Carman. With Karen Carman's consent, officers searched the house, but did not find the man they were looking for. The Carmans sued Officer Carroll under 42 U. S. C. § 1983, alleging that he unlawfully entered their property in violation of the Fourth Amendment. Carroll argued that the "knock and talk" exception to the warrant requirement permits officers without a warrant to knock on the door of a residence seeking to speak to the inhabitants just as any private citizen might. The Carmans countered that a normal visitor would have gone to their front door, not through their backyard. The jury returned a verdict for Officer Carroll, but the Third Circuit reversed in relevant part, holding that the "knock and talk" exception requires officers like Officer Carroll to begin their encounter at the front door.

Held: Officer Carroll is entitled to qualified immunity because he did not violate a statutory or constitutional right that was clearly established at the time of the challenged conduct. A right is clearly established only if its contours are sufficiently clear that "a reasonable official would understand that what he is doing violates that right." *Anderson* v. *Creighton*, 483 U. S. 635, 640. In other words, "existing precedent must have placed the statutory or constitutional question beyond debate." *Ashcroft* v. *al-Kidd*, 563 U. S. 731, 741. Assuming that a controlling circuit precedent could constitute clearly established federal law in such circumstances, the one case the Third Circuit relied upon, *Estate of Smith* v. *Marasco*, 318 F. 3d 497, did not clearly establish that Carroll violated the Carmans' Fourth Amendment rights. Instead, that decision arguably recognized that Officer Carroll might reasonably conclude that he was allowed to knock on any door that was open to visitors. The Third Circuit's reliance on *Marasco* is even more perplexing when compared with the decisions of other federal and state courts, which have rejected the Third Circuit's rule. Whether or not a police officer

may conduct a "knock and talk" at any entrance that is open to visitors, the rule applied by the court below was not "beyond debate."

Certiorari granted; 749 F. 3d 192, reversed and remanded.

PER CURIAM.

On July 3, 2009, the Pennsylvania State Police Department received a report that a man named Michael Zita had stolen a car and two loaded handguns. The report also said that Zita might have fled to the home of Andrew and Karen Carman. The department sent Officers Jeremy Carroll and Brian Roberts to the Carmans' home to investigate. Neither officer had been to the home before. 749 F. 3d 192, 195 (CA3 2014).

The officers arrived in separate patrol cars around 2:30 p.m. The Carmans' house sat on a corner lot—the front of the house faced a main street while the left (as viewed from the front) faced a side street. The officers initially drove to the front of the house, but after discovering that parking was not available there, turned right onto the side street. As they did so, they saw several cars parked side by side in a gravel parking area on the left side of the Carmans' property. The officers parked in the "first available spot," at "the far rear of the property." *Ibid.* (quoting Tr. 70 (Apr. 8, 2013)).

The officers exited their patrol cars. As they looked toward the house, the officers saw a small structure (either a carport or a shed) with its door open and a light on. *Id.*, at 71. Thinking someone might be inside, Officer Carroll walked over, "poked [his] head" in, and said "Pennsylvania State Police." 749 F. 3d, at 195 (quoting Tr. 71 (Apr. 8, 2013); alteration in original). No one was there, however, so the officers continued walking toward the house. As they approached, they saw a sliding glass door that opened onto a ground-level deck. Carroll thought the sliding glass door "looked like a customary entryway," so he and Officer Roberts decided to knock on it. 749 F. 3d, at 195 (quoting Tr. 83 (Apr. 8, 2013)).

As the officers stepped onto the deck, a man came out of the house and "belligerent[ly] and aggressively approached" them. 749 F. 3d, at 195. The officers identified themselves, explained they were looking for Michael Zita, and asked the man for his name. The man refused to answer. Instead, he turned away from the officers and appeared to reach for his waist. *Id.*, at 195–196. Carroll grabbed the man's right arm to make sure he was not reaching for a weapon. The man twisted away from Carroll, lost his balance, and fell into the yard. *Id.*, at 196.

At that point, a woman came out of the house and asked what was happening. The officers again explained that they were looking for Zita. The woman then identified herself as Karen Carman, identified the man as her husband, Andrew Carman, and told the officers that Zita was not there. In response, the officers asked for permission to search the house for Zita. Karen Carman consented, and everyone went inside. *Ibid.*

The officers searched the house, but did not find Zita. They then left. The Carmans were not charged with any crimes. *Ibid.*

The Carmans later sued Officer Carroll in Federal District Court under Rev. Stat. §1979, 42 U. S. C. §1983. Among other things, they alleged that Carroll unlawfully entered their property in violation of the Fourth Amendment when he went into their backyard and onto their deck without a warrant. 749 F. 3d, at 196.

At trial, Carroll argued that his entry was lawful under the "knock and talk" exception to the warrant requirement. That exception, he contended, allows officers to knock on someone's door, so long as they stay "on those portions of [the] property that the general public is allowed to go on." Tr. 7 (Apr. 8, 2013). The Carmans responded that a normal visitor would have gone to their front door, rather than into their backyard or onto their deck. Thus, they argued, the "knock and talk" exception did not apply.

At the close of Carroll's case in chief, the parties each moved for judgment as a matter of law. The District Court denied both motions, and sent the case to a jury. As relevant here, the District Court instructed the jury that the "knock and talk" exception "allows officers without a warrant to knock on a resident's door or otherwise approach the residence seeking to speak to the inhabitants, just as any private citizen might." *Id.*, at 24 (Apr. 10, 2013). The District Court further explained that "officers should restrict their movements to walkways, driveways, porches and places where visitors could be expected to go." *Ibid.* The jury then returned a verdict for Carroll.

The Carmans appealed, and the Court of Appeals for the Third Circuit reversed in relevant part. The court held that Officer Carroll violated the Fourth Amendment as a matter of law because the "knock and talk" exception "requires that police officers begin their encounter at the front door, where they have an implied invitation to go." 749 F. 3d, at 199. The court also held that Carroll was not entitled to qualified immunity because his actions violated clearly established law. *Ibid.* The court therefore reversed the District Court and held that the Carmans were entitled to judgment as a matter of law.

Carroll petitioned for certiorari. We grant the petition and reverse the Third Circuit's determination that Carroll was not entitled to qualified immunity.

A government official sued under § 1983 is entitled to qualified immunity unless the official violated a statutory or constitutional right that was clearly established at the time of the challenged conduct. See *Ashcroft* v. *al-Kidd*, 563 U. S. 731, 735 (2011). A right is clearly established only if its contours are sufficiently clear that "a reasonable official would understand that what he is doing violates that right." *Anderson* v. *Creighton*, 483 U. S. 635, 640 (1987). In other words, "existing precedent must have placed the statutory or constitutional question beyond debate." *al-Kidd*, 563

U. S., at 741. This doctrine "gives government officials breathing room to make reasonable but mistaken judgments," and "protects 'all but the plainly incompetent or those who knowingly violate the law.'" *Id.*, at 743 (quoting *Malley* v. *Briggs*, 475 U. S. 335, 341 (1986)).

Here the Third Circuit cited only a single case to support its decision that Carroll was not entitled to qualified immunity—*Estate of Smith* v. *Marasco*, 318 F. 3d 497 (CA3 2003). Assuming for the sake of argument that a controlling circuit precedent could constitute clearly established federal law in these circumstances, see *Reichle* v. *Howards*, 566 U. S. 658, 665–666 (2012), *Marasco* does not clearly establish that Carroll violated the Carmans' Fourth Amendment rights.

In *Marasco*, two police officers went to Robert Smith's house and knocked on the front door. When Smith did not respond, the officers went into the backyard, and at least one entered the garage. 318 F. 3d, at 519. The court acknowledged that the officers' "entry into the curtilage after not receiving an answer at the front door might be reasonable." *Id.*, at 520. It held, however, that the District Court had not made the factual findings needed to decide that issue. *Id.*, at 521. For example, the Third Circuit noted that the record "did not discuss the layout of the property or the position of the officers on that property," and that "there [was] no indication of whether the officers followed a path or other apparently open route that would be suggestive of reasonableness." *Ibid.* The court therefore remanded the case for further proceedings.

In concluding that Officer Carroll violated clearly established law in this case, the Third Circuit relied exclusively on *Marasco*'s statement that "entry into the curtilage after not receiving an answer at the front door might be reasonable." *Id.*, at 520; see 749 F. 3d, at 199 (quoting *Marasco*, *supra*, at 520). In the court's view, that statement clearly established that a "knock and talk" must begin at the front door. But that conclusion does not follow. *Marasco* held

that an unsuccessful "knock and talk" at the front door does not automatically allow officers to go onto other parts of the property. It did not hold, however, that knocking on the front door is *required* before officers go onto other parts of the property that are open to visitors. Thus, *Marasco* simply did not answer the question whether a "knock and talk" must begin at the front door when visitors may also go to the back door. Indeed, the house at issue seems not to have even had a back door, let alone one that visitors could use. 318 F. 3d, at 521.

Moreover, *Marasco* expressly stated that "there [was] no indication of whether the officers followed a path or other apparently open route that would be suggestive of reasonableness." *Ibid.* That makes *Marasco* wholly different from this case, where the jury necessarily decided that Carroll "restrict[ed] [his] movements to walkways, driveways, porches and places where visitors could be expected to go." Tr. 24 (Apr. 10, 2013).

To the extent that *Marasco* says anything about this case, it arguably supports Carroll's view. In *Marasco*, the Third Circuit noted that "[o]fficers are allowed to knock on a residence's door or otherwise approach the residence seeking to speak to the inhabitants just as any private citizen may." 318 F. 3d, at 519. The court also said that, "'when the police come on to private property . . . and restrict their movements to places visitors could be expected to go (*e. g.*, walkways, driveways, porches), observations made from such vantage points are not covered by the Fourth Amendment.'" *Ibid.* (quoting 1 W. LaFave, Search and Seizure § 2.3(f) (3d ed. 1996 and Supp. 2003) (footnotes omitted)). Had Carroll read those statements before going to the Carmans' house, he may have concluded—quite reasonably—that he was allowed to knock on any door that was open to visitors.*

*In a footnote, the Court of Appeals "recognize[d] that there may be some instances in which the front door is not *the* entrance used by visitors," but noted that "this is not one such instance." 749 F. 3d 192, 198,

The Third Circuit's decision is even more perplexing in comparison to the decisions of other federal and state courts, which have rejected the rule the Third Circuit adopted here. For example, in *United States* v. *Titemore*, 437 F. 3d 251 (CA2 2006), a police officer approached a house that had two doors. The first was a traditional door that opened onto a driveway; the second was a sliding glass door that opened onto a small porch. The officer chose to knock on the latter. *Id.*, at 253–254. On appeal, the defendant argued that the officer had unlawfully entered his property without a warrant in violation of the Fourth Amendment. *Id.*, at 255–256. But the Second Circuit rejected that argument. As the court explained, the sliding glass door was "a primary entrance visible to and used by the public." *Id.*, at 259. Thus, "[b]ecause [the officer] approached a principal entrance to the home using a route that other visitors could be expected to take," the court held that he did not violate the Fourth Amendment. *Id.*, at 252.

The Seventh Circuit's decision in *United States* v. *James*, 40 F. 3d 850 (1994), vacated on other grounds, 516 U. S. 1022 (1995), provides another example. There, police officers approached a duplex with multiple entrances. Bypassing the front door, the officers "used a paved walkway along the side of the duplex leading to the rear side door." 40 F. 3d, at 862. On appeal, the defendant argued that the officers violated his Fourth Amendment rights when they went to the rear side door. The Seventh Circuit rejected that argument, explaining that the rear side door was "accessible to the general public" and "was commonly used for entering the duplex from the nearby alley." *Ibid.* In situations "where the

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n. 6 (2014) (emphasis added). This footnote still reflects the Third Circuit's view that the "knock and talk" exception is available for only one entrance to a dwelling, "which in most circumstances is the front door." *Id.*, at 198. Cf. *United States* v. *Perea-Rey*, 680 F. 3d 1179, 1188 (CA9 2012) ("Officers conducting a knock and talk . . . need not approach only a specific door if there are multiple doors accessible to the public").

back door of a residence is readily accessible to the general public," the court held, "the Fourth Amendment is not implicated when police officers approach that door in the reasonable belief that it is a principal means of access to the dwelling." *Ibid.* See also, *e. g.*, *United States* v. *Garcia*, 997 F. 2d 1273, 1279–1280 (CA9 1993) ("If the front and back of a residence are readily accessible from a public place, like the driveway and parking area here, the Fourth Amendment is not implicated when officers go to the back door reasonably believing it is used as a principal entrance to the dwelling"); *State* v. *Domicz*, 188 N. J. 285, 302, 907 A. 2d 395, 405 (2006) ("when a law enforcement officer walks to a front or back door for the purpose of making contact with a resident and reasonably believes that the door is used by visitors, he is not unconstitutionally trespassing on to the property").

We do not decide today whether those cases were correctly decided or whether a police officer may conduct a "knock and talk" at any entrance that is open to visitors rather than only the front door. "But whether or not the constitutional rule applied by the court below was correct, it was not 'beyond debate.' " *Stanton* v. *Sims*, 571 U. S. 3, 10–11 (2013) (*per curiam*) (quoting *al-Kidd*, 563 U. S., at 741). The Third Circuit therefore erred when it held that Carroll was not entitled to qualified immunity.

The petition for certiorari is granted. The judgment of the United States Court of Appeals for the Third Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

GLEBE, SUPERINTENDENT, STAFFORD CREEK CORRECTIONS CENTER *v.* FROST

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

No. 14–95. Decided November 17, 2014

At Frost's trial for robbery and related offenses, the trial court denied his lawyer's request to argue at closing both that the State failed to meet its burden of proof and, in the alternative, that Frost had acted out of duress, noting that state law prohibited Frost from simultaneously contesting criminal liability and arguing duress. The Washington Supreme Court found that the trial court violated the Due Process and Assistance of Counsel Clauses by preventing the defense from presenting both theories, but sustained Frost's conviction, holding that any error was harmless beyond a reasonable doubt. On federal habeas review, the Ninth Circuit held that the State Supreme Court unreasonably applied "clearly established Federal law, as determined by the Supreme Court," 28 U. S. C. §2254(d)(1), by failing to classify the trial court's restriction as structural error.

Held: The Ninth Circuit's decision cannot stand. Most constitutional mistakes call for reversal only if the government cannot demonstrate harmlessness. *Neder* v. *United States*, 527 U. S. 1, 8. Automatic reversal is generally required only in the rare instance that an error "'infect[s] the entire trial process'" and "'necessarily render[s] [it] fundamentally unfair.'" *Ibid.* None of this Court's cases clearly requires placing improper restriction of closing argument in this narrow category. *Herring* v. *New York*, 422 U. S. 853, distinguished. And circuit precedent does not constitute "clearly established Federal law, as determined by [this Court]." §2254(d)(1). Nor did the trial court's decision force Frost to concede guilt. The court did not prohibit the defense from arguing that the prosecution failed to prove the elements of the crime, but instead precluded the defense from simultaneously contesting reasonable doubt and claiming duress. Even if that ruling somehow forced a tacit admission, it goes too far to suggest that this Court's cases clearly establish that this constitutes structural error.

Certiorari granted; 757 F. 3d 910, reversed and remanded.

PER CURIAM.

Over 11 days in April 2003, respondent Joshua Frost helped two associates commit a series of armed robberies

in the State of Washington. In the main, Frost drove his confederates to and from their crimes. On one occasion, he also entered the house being robbed. On another, he performed surveillance in anticipation of the robbery.

Washington charged Frost with robbery and related offenses. Taking the witness stand, Frost admitted to his involvement, but claimed he acted under duress. As closing arguments drew near, however, Frost's lawyer expressed the desire to contend both (1) that the State failed to meet its burden of proving that Frost was an accomplice to the crimes and (2) that Frost acted under duress. The trial judge insisted that the defense choose between these alternative arguments, explaining that state law prohibited a defendant from simultaneously contesting the elements of the crime and presenting the affirmative defense of duress. So Frost's lawyer limited his summation to duress. The jury convicted Frost of six counts of robbery, one count of attempted robbery, one count of burglary, and two counts of assault.

The Washington Supreme Court sustained Frost's conviction. It rejected the trial court's view that state law prohibited Frost from simultaneously contesting criminal liability and arguing duress. *State* v. *Frost*, 160 Wash. 2d 765, 773–776, 161 P. 3d 361, 366–368 (2007) (en banc). By preventing the defense from presenting both theories during summation, it said, the trial court violated the National Constitution's Due Process and Assistance of Counsel Clauses. *Id.*, at 777–779, 161 P. 3d, at 368–369. But the State Supreme Court continued, this improper restriction of closing argument qualified as a trial error (a mistake reviewable for harmlessness) rather than a structural error (a mistake that requires automatic reversal). *Id.*, at 779–782, 161 P. 3d, at 369–370. Because the jury heard three taped confessions and Frost's admission of guilt on the witness stand, and because it received proper instructions on the State's burden of proof, the State Supreme Court held that any error was

harmless beyond a reasonable doubt. *Id.*, at 782–783, 161 P. 3d, at 370–371.

Frost filed a petition for writ of habeas corpus under 28 U. S. C. § 2254. The District Court dismissed the petition, App. to Pet. for Cert. 76a, and a panel of the Court of Appeals affirmed, *Frost* v. *Van Boening*, 692 F. 3d 924 (CA9 2012). But the Court of Appeals en banc reversed and instructed the District Court to grant relief. 757 F. 3d 910 (2014).

Under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), the Court of Appeals had power to grant Frost habeas corpus only if the Washington Supreme Court's decision "was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States," or "was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding." 28 U. S. C. § 2254(d). Here, the Ninth Circuit held that the Washington Supreme Court unreasonably applied clearly established federal law by failing to classify the trial court's restriction of closing argument as structural error.

That decision cannot stand. Assuming for argument's sake that the trial court violated the Constitution, it was not clearly established that its mistake ranked as structural error. *Most* constitutional mistakes call for reversal only if the government cannot demonstrate harmlessness. *Neder* v. *United States*, 527 U. S. 1, 8 (1999). Only the rare type of error—in general, one that "'infect[s] the entire trial process'" and "'necessarily render[s] [it] fundamentally unfair'"—requires automatic reversal. *Ibid.* None of our cases clearly requires placing improper restriction of closing argument in this narrow category.

The Ninth Circuit claimed that the Washington Supreme Court contradicted *Herring* v. *New York*, 422 U. S. 853 (1975). *Herring* held that complete denial of summation vi-

olates the Assistance of Counsel Clause. According to the Ninth Circuit, *Herring* further held that this denial amounts to structural error. We need not opine on the accuracy of that interpretation. For even assuming that *Herring* established that *complete denial* of summation amounts to structural error, it did not clearly establish that the *restriction* of summation also amounts to structural error. A court could reasonably conclude, after all, that prohibiting all argument differs from prohibiting argument in the alternative. That is all the more true because our structural-error cases "ha[ve] not been characterized by [an] 'in for a penny, in for a pound' approach." *Neder*, *supra*, at 17, n. 2.

Attempting to bridge the gap between *Herring* and this case, the Ninth Circuit cited two Circuit precedents—*United States* v. *Miguel*, 338 F. 3d 995 (CA9 2003), and *Conde* v. *Henry*, 198 F. 3d 734 (CA9 2000)—for the proposition that "preventing a defendant from arguing a legitimate defense theory constitutes structural error." 757 F. 3d, at 916. As we have repeatedly emphasized, however, circuit precedent does not constitute "clearly established Federal law, as determined by the Supreme Court." §2254(d)(1); see, *e. g.*, *Lopez* v. *Smith*, *ante*, at 6 (*per curiam*). The Ninth Circuit acknowledged this rule, but tried to get past it by claiming that circuit precedent could "'help . . . determine what law is "clearly established."'" 757 F. 3d, at 916, n. 1. But neither *Miguel* nor *Conde* arose under AEDPA, so neither purports to reflect the law clearly established by this Court's holdings. The Ninth Circuit thus had no justification for relying on those decisions. See *Parker* v. *Matthews*, 567 U. S. 37, 48–49 (2012) (*per curiam*).

The second rationale for the Court of Appeals' decision is no more sound than the first. The Ninth Circuit reasoned that, by allowing the prosecution to argue that it had proved the elements of the crimes, but "prohibit[ing]" the defense from responding that it had not, the trial court in effect

"forc[ed] defense counsel to concede his client's guilt." 757 F. 3d, at 917. By extracting this "conce[ssion]," the Ninth Circuit continued, the trial court "relieved the State of its burden of proving guilt beyond a reasonable doubt," "shifted the burden of proof to Frost," and even "directed [a] verdict on guilt"—all "unquestionably structural [errors]." *Id.*, at 917–918.

No. The trial court, to begin, did not prohibit the defense from arguing that the prosecution failed to prove the elements of the crime. It instead precluded the defense from *simultaneously* contesting reasonable doubt and claiming duress. Reasonable minds could disagree whether requiring the defense to choose between alternative theories amounts to requiring the defense to concede guilt. Still more could they disagree whether it amounts to eliminating the prosecution's burden of proof, shifting the burden to the defendant, or directing a verdict. In addition, even if the trial court's ruling somehow "forced" the defense "at least tacitly [to] admit the elements of the crimes," *id.*, at 913, the Ninth Circuit still would have no basis for ruling as it did. It goes much too far to suggest that our cases clearly establish that this supposed extraction of a "taci[t] admi[ssion]" is structural error, when they classify the introduction of a *coerced confession* only as trial error, *Arizona* v. *Fulminante*, 499 U. S. 279, 310 (1991).

* * *

Frost argued below that, even if it was reasonable for the State Supreme Court to treat improper restriction of summation as trial error, it was unreasonable for it to find harmlessness on the facts of this case. The Court of Appeals did not address this argument when sitting en banc, and it is not before us today.

We grant the petition for a writ of certiorari and respondent's motion to proceed *in forma pauperis*. We reverse the

judgment of the Court of Appeals for the Ninth Circuit and remand the case for further proceedings consistent with this opinion.

It is so ordered.

Syllabus

INTEGRITY STAFFING SOLUTIONS, INC. *v.* BUSK ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 13–433. Argued October 8, 2014—Decided December 9, 2014

Petitioner Integrity Staffing Solutions, Inc., required its hourly warehouse workers, who retrieved products from warehouse shelves and packaged them for delivery to Amazon.com customers, to undergo a security screening before leaving the warehouse each day. Respondents, former employees, sued the company alleging, as relevant here, that they were entitled to compensation under the Fair Labor Standards Act of 1938 (FLSA) for the roughly 25 minutes each day that they spent waiting to undergo and undergoing those screenings. They also alleged that the company could have reduced that time to a *de minimis* amount by adding screeners or staggering shift terminations and that the screenings were conducted to prevent employee theft and, thus, for the sole benefit of the employers and their customers.

The District Court dismissed the complaint for failure to state a claim, holding that the screenings were not integral and indispensable to the employees' principal activities but were instead postliminary and noncompensable. The U. S. Court of Appeals for the Ninth Circuit reversed in relevant part, asserting that postshift activities that would ordinarily be classified as noncompensable postliminary activities are compensable as integral and indispensable to an employee's principal activities if the postshift activities are necessary to the principal work and performed for the employer's benefit.

Held: The time that respondents spent waiting to undergo and undergoing security screenings is not compensable under the FLSA. Pp. 31–37.

(a) Congress passed the Portal-to-Portal Act to respond to an economic emergency created by the broad judicial interpretation given to the FLSA's undefined terms "work" and "workweek." See 29 U. S. C. §251(a); *Tennessee Coal, Iron & R. Co.* v. *Muscoda Local No. 123*, 321 U. S. 590, 598. The Portal-to-Portal Act exempted employers from FLSA liability for claims based on "activities which are preliminary to or postliminary to" the performance of the principal activities that an employee is employed to perform. §254(a)(2). Under this Court's precedents, the term "principal activities" includes all activities which are an "integral and indispensable part of the principal activities."

Syllabus

Steiner v. *Mitchell*, 350 U. S. 247, 252–253. An activity is "integral and indispensable" if it is an intrinsic element of the employee's principal activities and one with which the employee cannot dispense if he is to perform his principal activities. This Court has identified several activities that satisfy this test—see, *e. g., id.,* at 249, 251; *Mitchell* v. *King Packing Co.*, 350 U. S. 260, 262—and Department of Labor regulations are consistent with this approach, see 29 CFR §§ 790.8(c), 790.7(g). Pp. 31–35.

(b) The security screenings at issue are noncompensable postliminary activities. To begin with, the screenings were not the principal activities the employees were employed to perform—*i. e.*, the workers were employed not to undergo security screenings but to retrieve products from warehouse shelves and package them for shipment. Nor were they "integral and indispensable" to those activities. This view is consistent with a 1951 Department of Labor opinion letter, which found noncompensable under the Portal-to-Portal Act both a preshift screening conducted for employee safety and a postshift search conducted to prevent employee theft. The Ninth Circuit's test, which focused on whether the particular activity was required by the employer rather than whether it was tied to the productive work that the employee was employed to perform, would sweep into "principal activities" the very activities that the Portal-to-Portal Act was designed to exclude from compensation. See, *e. g.*, *IBP, Inc.* v. *Alvarez*, 546 U. S. 21, 41. Finally, respondents' claim that the screenings are compensable because Integrity Staffing could have reduced the time to a *de minimis* amount is properly presented at the bargaining table, not to a court in an FLSA claim. Pp. 35–37.

713 F. 3d 525, reversed.

THOMAS, J., delivered the opinion for a unanimous Court. SOTOMAYOR, J., filed a concurring opinion, in which KAGAN, J., joined, *post*, p. 37.

Paul D. Clement argued the cause for petitioner. With him on the briefs were *Jeffrey M. Harris*, *Neil M. Alexander*, *Rick D. Roskelley*, and *Cory Glen Walker*.

Curtis E. Gannon argued the cause for the United States as *amicus curiae* urging reversal. With him on the brief were *Solicitor General Verrilli*, *Deputy Solicitor General Kneedler*, and *M. Patricia Smith*.

Mark R. Thierman argued the cause for respondents. With him on the brief were *Joshua D. Buck* and *Eric Schnapper*.*

JUSTICE THOMAS delivered the opinion of the Court.

The employer in this case required its employees, warehouse workers who retrieved inventory and packaged it for shipment, to undergo an antitheft security screening before leaving the warehouse each day. The question presented is whether the employees' time spent waiting to undergo and undergoing those security screenings is compensable under the Fair Labor Standards Act of 1938 (FLSA), 29 U. S. C. § 201 *et seq.*, as amended by the Portal-to-Portal Act of 1947, § 251 *et seq.* We hold that the time is not compensable. We therefore reverse the judgment of the United States Court of Appeals for the Ninth Circuit.

I

Petitioner Integrity Staffing Solutions, Inc., provides warehouse staffing to Amazon.com throughout the United States. Respondents Jesse Busk and Laurie Castro worked as hourly employees of Integrity Staffing at warehouses in Las Vegas and Fenley, Nevada, respectively. As warehouse employees, they retrieved products from the shelves and packaged those products for delivery to Amazon customers.

Integrity Staffing required its employees to undergo a security screening before leaving the warehouse at the end of

*Briefs of *amici curiae* urging reversal were filed for the National League of Cities et al. by *James C. Ho*, *Ashley E. Johnson*, and *Lisa Soronen*; for the National Retail Federation by *Max G. Brittain*; and for the Retail Litigation Center, Inc., et al. by *Edward A. Brill* and *Daniel J. Davis*.

Briefs of *amici curiae* urging affirmance were filed for the American Federation of Labor and Congress of Industrial Organizations by *Lynn K. Rhinehart*, *Harold C. Becker*, *James B. Coppess*, and *Matthew J. Ginsburg*; and for the National Employment Lawyers Association by *Paul W. Mollica*.

each day. During this screening, employees removed items such as wallets, keys, and belts from their persons and passed through metal detectors.

In 2010, Busk and Castro filed a putative class action against Integrity Staffing on behalf of similarly situated employees in the Nevada warehouses for alleged violations of the FLSA and Nevada labor laws. As relevant here, the employees alleged that they were entitled to compensation under the FLSA for the time spent waiting to undergo and actually undergoing the security screenings. They alleged that such time amounted to roughly 25 minutes each day and that it could have been reduced to a *de minimis* amount by adding more security screeners or by staggering the termination of shifts so that employees could flow through the checkpoint more quickly. They also alleged that the screenings were conducted "to prevent employee theft" and thus occurred "solely for the benefit of the employers and their customers." App. 19, 21.

The District Court dismissed the complaint for failure to state a claim, holding that the time spent waiting for and undergoing the security screenings was not compensable under the FLSA. It explained that, because the screenings occurred after the regular work shift, the employees could state a claim for compensation only if the screenings were an integral and indispensable part of the principal activities they were employed to perform. The District Court held that these screenings were not integral and indispensable but instead fell into a noncompensable category of postliminary activities.

The United States Court of Appeals for the Ninth Circuit reversed in relevant part. 713 F. 3d 525 (2013). The Court of Appeals asserted that postshift activities that would ordinarily be classified as noncompensable postliminary activities are nevertheless compensable as integral and indispensable to an employee's principal activities if those postshift activities are necessary to the principal work performed and done

for the benefit of the employer. *Id.*, at 530. Accepting as true the allegation that Integrity Staffing required the security screenings to prevent employee theft, the Court of Appeals concluded that the screenings were "necessary" to the employees' primary work as warehouse employees and done for Integrity Staffing's benefit. *Id.*, at 531.

We granted certiorari, 571 U. S. 1236 (2014), and now reverse.

II

A

Enacted in 1938, the FLSA established a minimum wage and overtime compensation for each hour worked in excess of 40 hours in each workweek. §§ 6(a)(1), 7(a)(3), 52 Stat. 1062–1063. An employer who violated these provisions could be held civilly liable for backpay, liquidated damages, and attorney's fees. § 16, *id.*, at 1069.

But the FLSA did not define "work" or "workweek," and this Court interpreted those terms broadly. It defined "work" as "physical or mental exertion (whether burdensome or not) controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer and his business." *Tennessee Coal, Iron & R. Co.* v. *Muscoda Local No. 123*, 321 U. S. 590, 598 (1944). Similarly, it defined "the statutory workweek" to "includ[e] all time during which an employee is necessarily required to be on the employer's premises, on duty or at a prescribed workplace." *Anderson* v. *Mt. Clemens Pottery Co.*, 328 U. S. 680, 690–691 (1946). Applying these expansive definitions, the Court found compensable the time spent traveling between mine portals and underground work areas, *Tennessee Coal*, *supra*, at 598, and the time spent walking from timeclocks to workbenches, *Anderson*, *supra*, at 691–692.

These decisions provoked a flood of litigation. In the six months following this Court's decision in *Anderson*, unions and employees filed more than 1,500 lawsuits under the

FLSA. S. Rep. No. 37, 80th Cong., 1st Sess., 2–3 (1947). These suits sought nearly $6 billion in backpay and liquidated damages for various preshift and postshift activities. *Ibid.*

Congress responded swiftly. It found that the FLSA had "been interpreted judicially in disregard of long-established customs, practices, and contracts between employers and employees, thereby creating wholly unexpected liabilities, immense in amount and retroactive in operation, upon employers." 29 U. S. C. § 251(a). Declaring the situation to be an "emergency," Congress found that, if such interpretations "were permitted to stand, . . . the payment of such liabilities would bring about financial ruin of many employers" and "employees would receive windfall payments . . . for activities performed by them without any expectation of reward beyond that included in their agreed rates of pay." §§ 251(a)–(b).

Congress met this emergency with the Portal-to-Portal Act. The Portal-to-Portal Act exempted employers from liability for future claims based on two categories of work-related activities as follows:

> "(a) Except as provided in subsection (b) [which covers work compensable by contract or custom], no employer shall be subject to any liability or punishment under the Fair Labor Standards Act of 1938, as amended, . . . on account of the failure of such employer . . . to pay an employee overtime compensation, for or on account of any of the following activities of such employee engaged in on or after the date of the enactment of this Act—
>
> "(1) walking, riding, or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform, and
>
> "(2) activities which are preliminary to or postliminary to said principal activity or activities,

> "which occur either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases, such principal activity or activities." § 4, 61 Stat. 86–87 (codified at 29 U. S. C. § 254(a)).

At issue here is the exemption for "activities which are preliminary to or postliminary to said principal activity or activities."

B

This Court has consistently interpreted "the term 'principal activity or activities' [to] embrac[e] all activities which are an 'integral and indispensable part of the principal activities.'" *IBP, Inc.* v. *Alvarez*, 546 U. S. 21, 29–30 (2005) (quoting *Steiner* v. *Mitchell*, 350 U. S. 247, 252–253 (1956)). Our prior opinions used those words in their ordinary sense. The word "integral" means "[b]elonging to or making up an integral whole; constituent, component; *spec[ifically]* necessary to the completeness or integrity of the whole; forming an intrinsic portion or element, as distinguished from an adjunct or appendage." 5 Oxford English Dictionary 366 (1933) (OED); accord, Brief for United States as *Amicus Curiae* 20 (Brief for United States); see also Webster's New International Dictionary 1290 (2d ed. 1954) (Webster's Second) ("[e]ssential to completeness; constituent, as a part"). And, when used to describe a duty, "indispensable" means a duty "[t]hat cannot be dispensed with, remitted, set aside, disregarded, or neglected." 5 OED 219; accord, Brief for United States 19; see also Webster's Second 1267 ("[n]ot capable of being dispensed with, set aside, neglected, or pronounced nonobligatory"). An activity is therefore integral and indispensable to the principal activities that an employee is employed to perform if it is an intrinsic element of those activities and one with which the employee cannot dispense if he is to perform his principal activities. As we describe below, this definition, as applied in these cir-

cumstances, is consistent with the Department of Labor's regulations.

Our precedents have identified several activities that satisfy this test. For example, we have held compensable the time battery-plant employees spent showering and changing clothes because the chemicals in the plant were "toxic to human beings" and the employer conceded that "the clothes-changing and showering activities of the employees [were] indispensable to the performance of their productive work and integrally related thereto." *Steiner*, *supra*, at 249, 251. And we have held compensable the time meatpacker employees spent sharpening their knives because dull knives would "slow down production" on the assembly line, "affect the appearance of the meat as well as the quality of the hides," "cause waste," and lead to "accidents." *Mitchell* v. *King Packing Co.*, 350 U. S. 260, 262 (1956). By contrast, we have held noncompensable the time poultry-plant employees spent waiting to don protective gear because such waiting was "two steps removed from the productive activity on the assembly line." *IBP*, *supra*, at 42.

The Department of Labor's regulations are consistent with this approach. See 29 CFR § 790.8(b) (2013) ("The term 'principal activities' includes all activities which are an integral part of a principal activity"); § 790.8(c) ("Among the activities included as an integral part of a principal activity are those closely related activities which are indispensable to its performance"). As an illustration, those regulations explain that the time spent by an employee in a chemical plant changing clothes would be compensable if he "c[ould not] perform his principal activities without putting on certain clothes" but would not be compensable if "changing clothes [were] merely a convenience to the employee and not directly related to his principal activities." See § 790.8(c). As the regulations explain, "when performed under the conditions normally present," activities including "checking in and out and waiting in line to do so, changing clothes, washing up or

showering, and waiting in line to receive pay checks" are "'preliminary'" or "'postliminary'" activities. § 790.7(g).

III

A

The security screenings at issue here are noncompensable postliminary activities. To begin with, the screenings were not the "principal activity or activities which [the] employee is employed to perform." 29 U. S. C. § 254(a)(1). Integrity Staffing did not employ its workers to undergo security screenings, but to retrieve products from warehouse shelves and package those products for shipment to Amazon customers.

The security screenings also were not "integral and indispensable" to the employees' duties as warehouse workers. As explained above, an activity is not integral and indispensable to an employee's principal activities unless it is an intrinsic element of those activities and one with which the employee cannot dispense if he is to perform those activities. The screenings were not an intrinsic element of retrieving products from warehouse shelves or packaging them for shipment. And Integrity Staffing could have eliminated the screenings altogether without impairing the employees' ability to complete their work.

The Solicitor General, adopting the position of the Department of Labor, agrees that these screenings were noncompensable postliminary activities. See Brief for United States 10. That view is fully consistent with an opinion letter the Department issued in 1951. The letter found noncompensable a preshift security search of employees in a rocket-powder plant "'for matches, spark producing devices such as cigarette lighters, and other items which have a direct bearing on the safety of the employees,'" as well as a postshift security search of the employees done "'for the purpose of preventing theft.'" Opinion Letter from Dept. of Labor, Wage and Hour Div., to Dept. of Army, Office of

Chief of Ordnance (Apr. 18, 1951), pp. 1–2 (available in Clerk of Court's case file). The Department drew no distinction between the searches conducted for the safety of the employees and those conducted for the purpose of preventing theft—neither were compensable under the Portal-to-Portal Act.

B

The Court of Appeals erred by focusing on whether an employer *required* a particular activity. The integral and indispensable test is tied to the productive work that the employee is *employed to perform*. See, *e. g., IBP,* 546 U. S., at 42; *Mitchell*, *supra*, at 262; *Steiner*, 350 U. S., at 249–251; see also 29 CFR § 790.8(a) (explaining that the term "principal activities" was "considered sufficiently broad to embrace within its terms such activities as are indispensable to *the performance of productive work*" (internal quotation marks omitted; emphasis added)); § 790.8(c) ("Among the activities included as an integral part of a principal activity are those closely related activities which are indispensable *to its performance*" (emphasis added)).

If the test could be satisfied merely by the fact that an employer required an activity, it would sweep into "principal activities" the very activities that the Portal-to-Portal Act was designed to address. The employer in *Anderson*, for instance, required its employees to walk "from a timeclock near the factory gate to a workstation" so that they could "begin their work," "but it is indisputable that the Portal-to-Portal Act evinces Congress' intent to repudiate *Anderson*'s holding that such walking time was compensable under the FLSA." *IBP*, *supra*, at 41. A test that turns on whether the activity is for the benefit of the employer is similarly overbroad.

Finally, we reject the employees' argument that time spent waiting to undergo the security screenings is compensable under the FLSA because Integrity Staffing could have reduced that time to a *de minimis* amount. The fact that

an employer could conceivably reduce the time spent by employees on any preliminary or postliminary activity does not change the nature of the activity or its relationship to the principal activities that an employee is employed to perform. These arguments are properly presented to the employer at the bargaining table, see 29 U. S. C. § 254(b)(1), not to a court in an FLSA claim.

* * *

We hold that an activity is integral and indispensable to the principal activities that an employee is employed to perform—and thus compensable under the FLSA—if it is an intrinsic element of those activities and one with which the employee cannot dispense if he is to perform his principal activities. Because the employees' time spent waiting to undergo and undergoing Integrity Staffing's security screenings does not meet these criteria, we reverse the judgment of the Court of Appeals.

It is so ordered.

JUSTICE SOTOMAYOR, with whom JUSTICE KAGAN joins, concurring.

I concur in the Court's opinion, and write separately only to explain my understanding of the standards the Court applies.

The Court reaches two critical conclusions. First, the Court confirms that compensable "'principal'" activities "'includ[e] . . . those closely related activities which are indispensable to [a principal activity's] performance,'" *ante*, at 34 (quoting 29 CFR § 790.8(c) (2013)), and holds that the required security screenings here were not "integral and indispensable" to another principal activity the employees were employed to perform, *ante*, at 35. I agree. As both Department of Labor regulations and our precedent make clear, an activity is "indispensable" to another, principal activity only when an employee could not dispense with it without impairing his ability to perform the principal activity safely and

effectively. Thus, although a battery plant worker might, for example, perform his principal activities without donning proper protective gear, he could not do so safely, see *Steiner* v. *Mitchell*, 350 U. S. 247, 250–253 (1956); likewise, a butcher might be able to cut meat without having sharpened his knives, but he could not do so effectively, see *Mitchell* v. *King Packing Co.*, 350 U. S. 260, 262–263 (1956); accord, 29 CFR § 790.8(c). Here, by contrast, the security screenings were not "integral and indispensable" to the employees' other principal activities in this sense. The screenings may, as the Ninth Circuit observed below, have been in some way related to the work that the employees performed in the warehouse, see 713 F. 3d 525, 531 (2013), but the employees could skip the screenings altogether without the safety or effectiveness of their principal activities being substantially impaired, see *ante*, at 35.

Second, the Court holds also that the screenings were not themselves "'principal . . . activities'" the employees were "'employed to perform.'" *Ibid.* (quoting 29 U. S. C. § 254(a)(1)). On this point, I understand the Court's analysis to turn on its conclusion that undergoing security screenings was not itself work of consequence that the employees performed for their employer. See *ante*, at 35. Again, I agree. As the statute's use of the words "preliminary" and "postliminary" suggests, § 254(a)(2), and as our precedents make clear, the Portal-to-Portal Act of 1947 is primarily concerned with defining the beginning and end of the workday. See *IBP, Inc.* v. *Alvarez*, 546 U. S. 21, 34–37 (2005). It distinguishes between activities that are essentially part of the ingress and egress process, on the one hand, and activities that constitute the actual "work of consequence performed for an employer," on the other hand. 29 CFR § 790.8(a); see also *ibid.* (clarifying that a principal activity need not predominate over other activities, and that an employee could be employed to perform multiple principal activities). The security screenings at issue here fall on the "preliminary . . .

or postliminary" side of this line. 29 U. S. C. §254(a)(2). The searches were part of the process by which the employees egressed their place of work, akin to checking in and out and waiting in line to do so—activities that Congress clearly deemed to be preliminary or postliminary. See S. Rep. No. 48, 80th Cong., 1st Sess., 47 (1947); 29 CFR §790.7(g). Indeed, as the Court observes, the Department of Labor reached the very same conclusion regarding similar security screenings shortly after the Portal-to-Portal Act was adopted, see *ante*, at 35–36, and we owe deference to that determination, see *Christensen* v. *Harris County*, 529 U. S. 576, 587 (2000).

Because I understand the Court's opinion to be consistent with the foregoing, I join it.

Syllabus

WARGER *v.* SHAUERS

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 13–517. Argued October 8, 2014—Decided December 9, 2014

Petitioner Gregory Warger sued respondent Randy Shauers in federal court for negligence for injuries suffered in a motor vehicle accident. After the jury returned a verdict for Shauers, one of the jurors contacted Warger's counsel, claiming that Regina Whipple, the jury foreperson, had revealed during deliberations that her daughter had been at fault in a fatal motor vehicle accident, and that a lawsuit would have ruined her daughter's life. Armed with an affidavit from the juror, Warger moved for a new trial, arguing that Whipple had deliberately lied during *voir dire* about her impartiality and ability to award damages. The District Court denied Warger's motion, holding that Federal Rule of Evidence 606(b), which bars evidence "about any statement made . . . during the jury's deliberations," barred the affidavit, and that none of the Rule's three exceptions, see Rule 606(b)(2), were applicable. The Eighth Circuit affirmed.

Held:

1. Rule 606(b) applies to juror testimony during a proceeding in which a party seeks to secure a new trial on the ground that a juror lied during *voir dire*. Pp. 44–51.

(a) This reading accords with the plain meaning of Rule 606(b), which applies to "an inquiry into the validity of [the] verdict." This understanding is also consistent with the underlying common-law rule on which Congress based Rule 606(b). The so-called "federal rule" made jury deliberations evidence inadmissible even if used to demonstrate dishonesty during *voir dire*. Both the majority of courts and this Court's pre-Rule 606(b) cases, see *McDonald* v. *Pless*, 238 U. S. 264, 268; *Clark* v. *United States*, 289 U. S. 1, favored this rule over the "Iowa rule," which permitted the use of such jury deliberations evidence. The federal approach is clearly reflected in the language Congress chose when it enacted Rule 606(b), and legislative history confirms that Congress' choice was no accident. See *Tanner* v. *United States*, 483 U. S. 107, 125. Pp. 44–49.

(b) Warger's arguments against this straightforward understanding are not persuasive. Pp. 49–51.

(1) First, Warger insists that proceedings for a new trial based on *voir dire* dishonesty do not involve an "inquiry into the validity of

the verdict." His reading would restrict Rule 606(b)'s application to claims of error for which a court must examine the manner in which the jury reached its verdict, but the Rule does not focus on the means by which deliberations evidence might be used to invalidate a verdict. It simply applies during a proceeding in which a verdict may be rendered invalid. Pp. 49–50.

(2) Warger also contends that excluding jury deliberations evidence that shows *voir dire* dishonesty is unnecessary to fulfill Congress' objectives, but his arguments would apply to all evidence rendered inadmissible by Rule 606(b), and he cannot escape the scope of the Rule merely by asserting that Congress' concerns were misplaced. P. 50.

(3) Finally, Warger invokes the canon of constitutional avoidance, contending that only his interpretation protects the right to an impartial jury. But that canon has no application here, where there is no ambiguity. See *United States* v. *Oakland Cannabis Buyers' Cooperative*, 532 U. S. 483, 494. Moreover, this Court's *Tanner* decision forecloses any claim that Rule 606(b) is unconstitutional. Similar to the right at issue in that case, Warger's right to an impartial jury remains protected despite Rule 606(b)'s removal of one means of ensuring unbiased jurors. Even if a juror lies to conceal bias, parties may bring to the court's attention evidence of bias before the verdict is rendered and use nonjuror evidence after the verdict is rendered. Pp. 50–51.

2. The affidavit at issue was not admissible under Rule 606(b)(2)(A)'s exception for evidence of "extraneous prejudicial information." Generally speaking, extraneous information derives from a source "external" to the jury. See *Tanner*, 483 U. S., at 117. Here, the excluded affidavit falls on the "internal" side. Warger contends that any information Whipple shared with the other jurors was extraneous because she would have been disqualified from the jury had she disclosed her daughter's accident. However, such an exception would swallow up much of the rest of the restrictive version of the common-law rule that Congress adopted in enacting Rule 606(b). Pp. 51–53.

721 F. 3d 606, affirmed.

SOTOMAYOR, J., delivered the opinion for a unanimous Court.

Kannon K. Shanmugam argued the cause for petitioner. With him on the briefs were *James M. McDonald*, *Steven C. Beardsley*, and *Gary D. Jensen*.

Sheila L. Birnbauk argued the cause for respondent. With her on the brief were *Douglas W. Dunham*, *Ellen*

P. Quackenbos, *Ronald R. Kappelman*, and *Gregory G. Strommen*.

Sarah E. Harrington argued the cause for the United States as *amicus curiae* urging affirmance. With her on the brief were *Solicitor General Verrilli*, *Assistant Attorney General Caldwell*, and *Deputy Solicitor General Dreeben*.*

JUSTICE SOTOMAYOR delivered the opinion of the Court.

Federal Rule of Evidence 606(b) provides that certain juror testimony regarding what occurred in a jury room is inadmissible "[d]uring an inquiry into the validity of a verdict." The question presented in this case is whether Rule 606(b) precludes a party seeking a new trial from using one juror's affidavit of what another juror said in deliberations to demonstrate the other juror's dishonesty during *voir dire*. We hold that it does.

I

Petitioner Gregory Warger was riding his motorcycle on a highway outside Rapid City, South Dakota, when a truck driven by respondent Randy Shauers struck him from behind. Warger claims he was stopped at the time of the accident, while Shauers claims that Warger suddenly pulled out in front of him. Regardless of the cause of the accident, no one disputes its tragic result: Warger sustained serious injuries that ultimately required the amputation of his left leg.

Warger sued Shauers for negligence in Federal District Court. During jury selection, counsel for both parties conducted lengthy *voir dire* of the prospective jurors. Warg-

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*Briefs of *amici curiae* urging reversal were filed for the National Association of Criminal Defense Lawyers by *R. Reeves Anderson*, *Lisa S. Blatt*, *Bob Wood*, and *Jeffrey T. Green*; and for Professors of Law by *Danielle Spinelli* and *Joshua M. Salzman*.

Briefs of *amici curiae* urging affirmance were filed for the American Association for Justice by *Jeffrey R. White* and *Lisa Blue Baron*; and for Law Professors by *Paul M. Smith*.

er's counsel asked whether any jurors would be unable to award damages for pain and suffering or for future medical expenses, or whether there was any juror who thought, "I don't think I could be a fair and impartial juror on this kind of case." App. 105. Prospective juror Regina Whipple, who was later selected as the jury foreperson, answered no to each of these questions. See *id.*, at 83, 89, 105.

Trial commenced, and the jury ultimately returned a verdict in favor of Shauers. Shortly thereafter, one of the jurors contacted Warger's counsel to express concern over juror Whipple's conduct. The complaining juror subsequently signed an affidavit claiming that Whipple had spoken during deliberations about "a motor vehicle collision in which her daughter was at fault for the collision and a man died," and had "related that if her daughter had been sued, it would have ruined her life." App. to Pet. for Cert. 40a–41a.

Relying on this affidavit, Warger moved for a new trial. He contended that Whipple had deliberately lied during *voir dire* about her impartiality and ability to award damages. Thus, he asserted, he had satisfied the requirements of *McDonough Power Equipment, Inc.* v. *Greenwood*, 464 U. S. 548 (1984), which holds that a party may "obtain a new trial" if he "demonstrate[s] that a juror failed to answer honestly a material question on *voir dire*, and . . . that a correct response would have provided a valid basis for a challenge for cause." *Id.*, at 556.

The District Court refused to grant a new trial, holding that the only evidence that supported Warger's motion, the complaining juror's affidavit, was barred by Federal Rule of Evidence 606(b). As relevant here, that Rule provides that "[d]uring an inquiry into the validity of a verdict," evidence "about any statement made or incident that occurred during the jury's deliberations" is inadmissible. Rule 606(b)(1). The Rule contains three specific exceptions—allowing testimony "about whether (A) extraneous prejudicial information was improperly brought to the jury's attention; (B) an out-

side influence was improperly brought to bear on any juror; or (C) a mistake was made in entering the verdict on the verdict form," Rule 606(b)(2)—but the District Court found none of these exceptions to be applicable.

The Eighth Circuit affirmed. 721 F. 3d 606 (2013). It first held that Warger's proffered evidence did not fall within the "extraneous prejudicial evidence" exception set forth in Rule 606(b)(2)(A). The court explained that "[j]urors' personal experiences do not constitute extraneous information; it is unavoidable they will bring such innate experiences into the jury room." *Id.*, at 611. Next, the court rejected Warger's alternative argument that Rule 606(b) is wholly inapplicable when a litigant offers evidence to show that a juror was dishonest during *voir dire*. Acknowledging that there was a split among the Federal Courts of Appeals on this question, the Eighth Circuit joined those Circuits that had held that Rule 606(b) applies to any proceeding in which the jury's verdict might be invalidated, including efforts to demonstrate that a juror lied during *voir dire*. Compare *id.*, at 611–612 (citing *Williams* v. *Price*, 343 F. 3d 223, 235–237 (CA3 2003), and *United States* v. *Benally*, 546 F. 3d 1230, 1235 (CA10 2008)), with *Hard* v. *Burlington N. R. Co.*, 812 F. 2d 482, 485 (CA9 1987) ("Statements which tend to show deceit during voir dire are not barred by [Rule 606(b)]"), and *Maldonado* v. *Missouri P. R. Co.*, 798 F. 2d 764, 770 (CA5 1986) (same).

We granted certiorari, 571 U. S. 1236 (2014), and now affirm.

II

We hold that Rule 606(b) applies to juror testimony during a proceeding in which a party seeks to secure a new trial on the ground that a juror lied during *voir dire*. In doing so, we simply accord Rule 606(b)'s terms their plain meaning. The Rule, after all, applies "[d]uring an inquiry into the validity of a verdict." Rule 606(b)(1). A postverdict motion for a new trial on the ground of *voir dire* dishonesty plainly

entails "an inquiry into the validity of [the] verdict": If a juror was dishonest during *voir dire* and an honest response would have provided a valid basis to challenge that juror for cause, the verdict must be invalidated. See *McDonough*, 464 U. S., at 556.

This understanding of the text of Rule 606(b) is consistent with the underlying common-law rule on which it was based. Although some common-law courts would have permitted evidence of jury deliberations to be introduced to demonstrate juror dishonesty during *voir dire*, the majority would not, and the language of Rule 606(b) reflects Congress' enactment of the more restrictive version of the common-law rule.

Rule 606(b) had its genesis in *Vaise* v. *Delaval*, 1 T. R. 11, 99 Eng. Rep. 944 (K. B. 1785), in which Lord Mansfield held inadmissible an affidavit from two jurors claiming that the jury had decided the case through a game of chance. See 8 J. Wigmore, Evidence §2352, p. 696 (J. McNaughton rev. 1961). The rule soon took root in the United States, *id.*, at 696–697, where it was viewed as both promoting the finality of verdicts and insulating the jury from outside influences, see *McDonald* v. *Pless*, 238 U. S. 264, 267–268 (1915).

Some versions of the rule were narrower than others. Under what was sometimes known as the "Iowa" approach, juror testimony regarding deliberations was excluded only to the extent that it related to matters that "'inhere[d] in the verdict,'" which generally consisted of evidence of the jurors' subjective intentions and thought processes in reaching a verdict. 3 C. Mueller & L. Kirkpatrick, Federal Evidence §6:16, p. 70 (4th ed. 2013); 8 Wigmore, Evidence §§2353, 2354, at 699–702.[1] A number of courts adhering to

[1] The Iowa rule derived from *Wright* v. *Illinois & Miss. Tel. Co.*, 20 Iowa 195 (1866), in which the Iowa Supreme Court held that a trial court considering a motion for a new trial should have accepted the affidavits of four jurors who claimed that their damages verdict had been determined by taking the average of the sums each juror thought proper (a "quotient" verdict). *Id.*, at 212–213. The *Wright* court reasoned that, unlike evi-

the Iowa rule held that testimony regarding jury deliberations is admissible when used to challenge juror conduct during *voir dire*. See, *e. g.*, *Mathisen* v. *Norton*, 187 Wash. 240, 244–246, 60 P. 2d 1, 3–4 (1936); *Williams* v. *Bridges*, 140 Cal. App. 537, 538–541 (1934).

But other courts applied a broader version of the anti-impeachment rule. Under this version, sometimes called the "federal" approach, litigants were prohibited from using evidence of jury deliberations unless it was offered to show that an "extraneous matter" had influenced the jury. See 3 Mueller & Kirkpatrick, Federal Evidence § 6:16, at 71; Rules of Evidence for United States Courts and Magistrates, 56 F. R. D. 183, 265 (1973). The "great majority" of appellate courts applying this version of the rule held jury deliberations evidence inadmissible even if used to demonstrate dishonesty during *voir dire*. *Wilson* v. *Wiggins*, 54 Ariz. 240, 246, 94 P. 2d 870, 872 (1939); see, *e. g.*, *Willis* v. *Davis*, 333 P. 2d 311, 314 (Okla. 1958); *Turner* v. *Hall's Adm'x*, 252 S. W. 2d 30, 34 (Ky. 1952); *Hinkel* v. *Oregon Chair Co.*, 80 Ore. 404, 406, 156 P. 438, 439 (1916); *State* v. *Cloud*, 130 La. 955, 958–960, 58 So. 827, 828–829 (1912); *Payne* v. *Burke*, 236 App. Div. 527, 528–530, 260 N. Y. S. 259, 260–262 (1932).

This Court occasionally employed language that might have suggested a preference for the Iowa rule. See *Hyde* v. *United States*, 225 U. S. 347, 383–384 (1912) ("[W]e think the rule expressed in *Wright* v. *Illinois & Miss. Tel. Co.*, 20 Iowa 195 [(1866)], . . . should apply, that the testimony of jurors should not be received to show matters which essentially inhere in the verdict itself and necessarily depend upon the testimony of the jurors and can receive no corroboration"); *Mattox* v. *United States*, 146 U. S. 140, 148–149 (1892) (quoting at length a Kansas Supreme Court decision setting out the Iowa test). But to the extent that these decisions cre-

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dence of a juror's subjective intentions in reaching a verdict, whether the verdict had been obtained in this fashion was an "independent fact" and thus could and should be proved by any available evidence. *Id.*, at 211.

ated any question as to which approach this Court followed, *McDonald* v. *Pless* largely settled matters. There, we held that juror affidavits were not admissible to show that jurors had entered a "quotient" verdict, precisely the opposite of the result reached by the Iowa Supreme Court in its decision establishing the Iowa approach. Compare 238 U. S., at 265, 268, with *Wright* v. *Illinois & Miss. Tel. Co.*, 20 Iowa 195, 211–212 (1866). In doing so, we observed that although decisions in a few States made admissible a "juror's affidavit as to an overt act of misconduct, which was capable of being controverted by other jurors," the argument in favor of that approach (*i. e.*, the Iowa rule) had not been generally accepted, because permitting such evidence "would open the door to the most pernicious arts and tampering with jurors." 238 U. S., at 268 (internal quotation marks omitted).

Our subsequent decision in *Clark* v. *United States*, 289 U. S. 1 (1933), was consistent with our apparent rejection of the Iowa approach. In *Clark*, the Government had prosecuted for contempt a juror who, during *voir dire* in a prior case, had falsely denied knowing the defendant. *Id.*, at 6–8. We held that the prosecution could introduce evidence of what had occurred during deliberations in the prior case, rejecting the juror's argument that these communications were privileged. We were careful to explain, however, that nothing in our decision was "at variance with the rule . . . that the testimony of a juror is not admissible for the impeachment of his verdict." *Id.*, at 18. This was because the verdict in the original case was not at issue, and therefore "the rule against impeachment [was] wholly unrelated to the problem . . . before us." *Ibid.*; accord, *McDonald*, 238 U. S., at 269. *Clark* thus clarified that the rule against jurors' impeaching their verdicts applies only in a proceeding actually impeaching that verdict—precisely the line Rule 606(b) draws when it refers to an "inquiry into the validity of a verdict."

In any event, these decisions predated Congress' enactment of Rule 606(b), and Congress was undoubtedly free to

prescribe a broader version of the anti-impeachment rule than we had previously applied. The language of the Rule it adopted clearly reflects the federal approach: As enacted, Rule 606(b) prohibited the use of *any* evidence of juror deliberations, subject only to the express exceptions for extraneous information and outside influences.[2]

For those who consider legislative history relevant, here it confirms that this choice of language was no accident. Congress rejected a prior version of the Rule that, in accordance with the Iowa approach, would have prohibited juror testimony only as to the "effect of anything upon . . . [any] juror's mind or emotions . . . or concerning his mental processes." Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Revised Draft of Proposed Rules of Evidence for the United States Courts and Magistrates, 51 F. R. D. 315, 387 (1971); see *Tanner* v. *United States*, 483 U. S. 107, 123–125 (1987) (detailing the legislative history of the Rule). Thus Congress "specifically understood, considered, and rejected a version of Rule 606(b)" that would have likely permitted the introduction of evidence of deliberations to show dishonesty during *voir dire*. *Id.*, at 125.

III

A

Seeking to rebut this straightforward understanding of Rule 606(b), Warger first insists that the proceedings that follow a motion for new trial based on dishonesty during *voir dire* do not involve an "inquiry into the validity of the verdict." His argument is as follows: Under *McDonough*, a party moving for a new trial on the basis of *voir dire* dishonesty need not show that this dishonesty had an effect on the verdict. See 464 U. S., at 556. Although a successful claim will result in vacatur of the judgment, vacatur is simply the

[2] The additional exception for mistakes made in entering the verdict on the verdict form was adopted in 2006. See 547 U. S. 1281, 1286.

remedy for the *McDonough* error, just as it may be the remedy for a variety of errors that have nothing to do with the manner in which the jury reached its verdict. See, *e. g.*, *United States* v. *Davila*, 569 U. S. 597, 611 (2013) (listing certain "'structural'" errors warranting "automatic reversal" of a criminal conviction). Therefore, Warger asserts, the "inquiry begins and ends with what happened during voir dire." Brief for Petitioner 19–20.

We are not persuaded. Warger, it seems, would restrict Rule 606(b)'s application to those claims of error for which a court must examine the manner in which the jury reached its verdict—claims, one might say, involving an inquiry into the jury's verdict. But the "inquiry" to which the Rule refers is one into the "*validity* of the verdict," not into the verdict itself. The Rule does not focus on the means by which deliberations evidence might be used to invalidate a verdict. It does not say "during an inquiry into jury deliberations," or prohibit the introduction of evidence of deliberations "for use in determining whether an asserted error affected the jury's verdict." It simply applies "[d]uring an inquiry into the validity of the verdict"—that is, during a *proceeding* in which the verdict may be rendered invalid. Whether or not a juror's alleged misconduct during *voir dire* had a direct effect on the jury's verdict, the motion for a new trial requires a court to determine whether the verdict can stand.

B

Next, Warger contends that excluding jury deliberations evidence tending to show that a juror lied during *voir dire* is unnecessary to fulfill Congress' apparent objectives of encouraging full and open debate in the jury room and preventing the harassment of former jurors. He observes that jurors remain free to, and may sometimes be forced to, disclose what happened in the jury room, and that ethical rules limit the ability of parties to harass jurors following trial. But these are arguments against Rule 606(b) generally, not argu-

ments for the particular exception to the Rule that Warger seeks. Congress' enactment of Rule 606(b) was premised on the concerns that the use of deliberations evidence to challenge verdicts would represent a threat to both jurors and finality in those circumstances not covered by the Rule's express exceptions. Warger cannot escape the scope of the Rule Congress adopted simply by asserting that its concerns were misplaced.

C

Nor do we accept Warger's contention that we must adopt his interpretation of Rule 606(b) so as to avoid constitutional concerns. The Constitution guarantees both criminal and civil litigants a right to an impartial jury. See, *e. g.*, *Sheppard* v. *Maxwell*, 384 U. S. 333, 362 (1966); *Thiel* v. *Southern Pacific Co.*, 328 U. S. 217, 220 (1946). And we have made clear that *voir dire* can be an essential means of protecting this right. See, *e. g.*, *Turner* v. *Murray*, 476 U. S. 28, 36 (1986) (plurality opinion); *Ham* v. *South Carolina*, 409 U. S. 524, 527 (1973). These principles, Warger asserts, require that parties be allowed to use evidence of deliberations to demonstrate that a juror lied during *voir dire*.

Given the clarity of both the text and history of Rule 606(b), however, the canon of constitutional avoidance has no role to play here. The canon "is a tool for choosing between competing plausible interpretations" of a provision. *Clark* v. *Martinez*, 543 U. S. 371, 381 (2005). It "has no application in the absence of . . . ambiguity." *United States* v. *Oakland Cannabis Buyers' Cooperative*, 532 U. S. 483, 494 (2001). We see none here.

Moreover, any claim that Rule 606(b) is unconstitutional in circumstances such as these is foreclosed by our decision in *Tanner*. In *Tanner*, we concluded that Rule 606(b) precluded a criminal defendant from introducing evidence that multiple jurors had been intoxicated during trial, rejecting the contention that this exclusion violated the defendant's Sixth Amendment right to "'a tribunal both impartial and

mentally competent to afford a hearing.' " 483 U. S., at 126 (quoting *Jordan* v. *Massachusetts*, 225 U. S. 167, 176 (1912)). We reasoned that the defendant's right to an unimpaired jury was sufficiently protected by *voir dire*, the observations of court and counsel during trial, and the potential use of "nonjuror evidence" of misconduct. 483 U. S., at 127. Similarly here, a party's right to an impartial jury remains protected despite Rule 606(b)'s removal of one means of ensuring that jurors are unbiased. Even if jurors lie in *voir dire* in a way that conceals bias, juror impartiality is adequately assured by the parties' ability to bring to the court's attention any evidence of bias before the verdict is rendered, and to employ nonjuror evidence even after the verdict is rendered.[3]

IV

We further hold, consonant with the Eighth Circuit, that the affidavit Warger sought to introduce was not admissible under Rule 606(b)(2)(A)'s exception for evidence as to whether "extraneous prejudicial information was improperly brought to the jury's attention."

Generally speaking, information is deemed "extraneous" if it derives from a source "external" to the jury. See *Tanner*, 483 U. S., at 117. "External" matters include publicity and information related specifically to the case the jurors are meant to decide, while "internal" matters include the general body of experiences that jurors are understood to bring with them to the jury room. See *id.*, at 117–119; 27 C. Wright & V. Gold, Federal Practice and Procedure: Evidence § 6075, pp. 520–521 (2d ed. 2007). Here, the excluded affidavit falls on the "internal" side of the line: Whipple's daughter's accident may well have informed her general views about negli-

[3] There may be cases of juror bias so extreme that, almost by definition, the jury trial right has been abridged. If and when such a case arises, the Court can consider whether the usual safeguards are or are not sufficient to protect the integrity of the process. We need not consider the question, however, for those facts are not presented here.

gence liability for car crashes, but it did not provide either her or the rest of the jury with any specific knowledge regarding Shauers' collision with Warger.

Indeed, Warger does not argue that Whipple's statements related to "extraneous" information in this sense. Instead, he contends that because Whipple would have been disqualified from the jury had she disclosed her daughter's accident, *any* information she shared with the other jurors was extraneous.

We cannot agree that whenever a juror should have been excluded from the jury, anything that juror says is necessarily "extraneous" within the meaning of Rule 606(b)(2)(A). Were that correct, parties would find it quite easy to avoid Rule 606(b)'s limitations. As discussed above, Congress adopted the restrictive version of the anti-impeachment rule, one that common-law courts had concluded precludes parties from using deliberations evidence to prove juror dishonesty during *voir dire*. But if Warger's understanding of the "extraneous" information exception were accepted, then any time a party could use such evidence to show that a juror's "correct response [during *voir dire*] would have provided a valid basis for a challenge"—a prerequisite for relief under *McDonough*, 464 U. S., at 556—all evidence of what that juror said during deliberations would be admissible. The "extraneous" information exception would swallow much of the rest of Rule 606(b).

Even if such a result were not precluded by Congress' apparent intent to adopt the restrictive federal approach, it is foreclosed by *Tanner*, which relied upon the doctrine that "treat[s] allegations of the physical or mental incompetence of a juror as 'internal' rather than 'external' matters." 483 U. S., at 118. *Tanner* cited, in particular, cases holding that evidence of jurors' insanity, inability to understand English, and hearing impairments are all "internal" matters subject to exclusion under Rule 606(b). *Id.*, at 119. Were we to follow Warger's understanding of the "extraneous informa-

tion" exception, all these cases, including *Tanner*, would have been wrongly decided: If the jurors were not able to serve on the jury in the first place, or should have been dismissed for their misconduct during the trial, then what they said or did during deliberations would necessarily be "extraneous" and admissible. *Tanner*'s implicit rejection of this view easily extends from the sort of juror incompetence considered in that case to the alleged bias considered here. Whether a juror would have been struck from the jury because of incompetence or bias, the mere fact that a juror would have been struck does not make admissible evidence regarding that juror's conduct and statements during deliberations.

For the foregoing reasons, the judgment of the United States Court of Appeals for the Eighth Circuit is affirmed.

It is so ordered.

Syllabus

HEIEN *v.* NORTH CAROLINA

CERTIORARI TO THE SUPREME COURT OF NORTH CAROLINA

No. 13–604. Argued October 6, 2014—Decided December 15, 2014

Following a suspicious vehicle, Sergeant Matt Darisse noticed that only one of the vehicle's brake lights was working and pulled the driver over. While issuing a warning ticket for the broken brake light, Darisse became suspicious of the actions of the two occupants and their answers to his questions. Petitioner Nicholas Brady Heien, the car's owner, gave Darisse consent to search the vehicle. Darisse found cocaine, and Heien was arrested and charged with attempted trafficking. The trial court denied Heien's motion to suppress the seized evidence on Fourth Amendment grounds, concluding that the vehicle's faulty brake light gave Darisse reasonable suspicion to initiate the stop. The North Carolina Court of Appeals reversed, holding that the relevant code provision, which requires that a car be "equipped with a stop lamp," N. C. Gen. Stat. Ann. §20–129(g), requires only a single lamp—which Heien's vehicle had—and therefore the justification for the stop was objectively unreasonable. Reversing in turn, the State Supreme Court held that, even assuming no violation of the state law had occurred, Darisse's mistaken understanding of the law was reasonable, and thus the stop was valid.

Held: Because Darisse's mistake of law was reasonable, there was reasonable suspicion justifying the stop under the Fourth Amendment. Pp. 60–68.

(a) The Fourth Amendment requires government officials to act reasonably, not perfectly, and gives those officials "fair leeway for enforcing the law," *Brinegar* v. *United States*, 338 U. S. 160, 176. Searches and seizures based on mistakes of fact may be reasonable. See, *e. g.*, *Illinois* v. *Rodriguez*, 497 U. S. 177, 183–186. The limiting factor is that "the mistakes must be those of reasonable men." *Brinegar*, *supra*, at 176. Mistakes of law are no less compatible with the concept of reasonable suspicion, which arises from an understanding of both the facts and the relevant law. Whether an officer is reasonably mistaken about the one or the other, the result is the same: The facts are outside the scope of the law. And neither the Fourth Amendment's text nor this Court's precedents offer any reason why that result should not be acceptable when reached by a reasonable mistake of law.

Syllabus

More than two centuries ago, this Court held that reasonable mistakes of law, like those of fact, could justify a certificate of probable cause. *United States* v. *Riddle*, 5 Cranch 311, 313. That holding was reiterated in numerous 19th-century decisions. Although *Riddle* was not a Fourth Amendment case, it explained the concept of probable cause, which this Court has said carried the same "fixed and well known meaning" in the Fourth Amendment, *Brinegar*, *supra*, at 175, and n. 14, and no subsequent decision of this Court has undermined that understanding. The contrary conclusion would be hard to reconcile with the more recent precedent of *Michigan* v. *DeFillippo*, 443 U. S. 31, where the Court, addressing the validity of an arrest made under a criminal law later declared unconstitutional, held that the officers' reasonable assumption that the law was valid gave them "abundant probable cause" to make the arrest, *id.*, at 37. Heien attempts to recast *DeFillippo* as a case solely about the exclusionary rule, not the Fourth Amendment itself, but *DeFillippo*'s express holding is that the arrest was constitutionally valid because the officers had probable cause. See *id.*, at 40. Heien misplaces his reliance on cases such as *Davis* v. *United States*, 564 U. S. 229, where any consideration of reasonableness was limited to the separate matter of remedy, not whether there was a Fourth Amendment violation in the first place.

Heien contends that the rationale that permits reasonable errors of fact does not extend to reasonable errors of law, arguing that officers in the field deserve a margin of error when making factual assessments on the fly. An officer may, however, also be suddenly confronted with a situation requiring application of an unclear statute. This Court's holding does not discourage officers from learning the law. Because the Fourth Amendment tolerates only objectively reasonable mistakes, cf. *Whren* v. *United States*, 517 U. S. 806, 813, an officer can gain no advantage through poor study. Finally, while the maxim "Ignorance of the law is no excuse" correctly implies that the State cannot impose punishment based on a mistake of law, it does not mean a reasonable mistake of law cannot justify an investigatory stop. Pp. 60–67.

(b) There is little difficulty in concluding that Officer Darisse's error of law was reasonable. The North Carolina vehicle code that requires "a stop lamp" also provides that the lamp "may be incorporated into a unit with one or more other rear lamps," N. C. Gen. Stat. Ann. §20–129(g), and that "all originally equipped rear lamps" must be "in good working order," §20–129(d). Although the State Court of Appeals held that "rear lamps" do not include brake lights, the word "other," coupled with the lack of state-court precedent interpreting the provision, made

Syllabus

it objectively reasonable to think that a faulty brake light constituted a violation. Pp. 67–68.

367 N. C. 163, 749 S. E. 2d 278, affirmed.

ROBERTS, C. J., delivered the opinion of the Court, in which SCALIA, KENNEDY, THOMAS, GINSBURG, BREYER, ALITO, and KAGAN, JJ., joined. KAGAN, J., filed a concurring opinion, in which GINSBURG, J., joined, *post*, p. 68. SOTOMAYOR, J., filed a dissenting opinion, *post*, p. 71.

Jeffrey L. Fisher argued the cause for petitioner. With him on the briefs was *Donald B. Ayer*.

Robert C. Montgomery, Senior Deputy Attorney General of North Carolina, argued the cause for respondent. With him on the brief were *Roy Cooper*, Attorney General, *John F. Maddrey*, Solicitor General, and *Derrick C. Mertz*, Assistant Attorney General.

Rachel P. Kovner argued the cause for the United States as *amicus curiae* urging affirmance. With her on the brief were *Solicitor General Verrilli*, *Assistant Attorney General Caldwell*, and *Deputy Solicitor General Dreeben*.*

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*Briefs of *amici curiae* urging reversal were filed for the Gun Owners Foundation et al. by *William J. Olson*, *Herbert W. Titus*, *John S. Miles*, *Jeremiah L. Morgan*, *Michael Connelly*, and *Mark B. Weinberg*; for the National Association of Criminal Defense Lawyers et al. by *Noah A. Levine* and *Jonathan D. Hacker*; for The Rutherford Institute by *John W. Whitehead*; and for Charles E. MacLean et al. by *James J. Berles*.

Briefs of *amici curiae* urging affirmance were filed for the State of Wisconsin et al. by *J. B. Van Hollen*, Attorney General of Wisconsin, and *Maura FJ Whelan*, Assistant Attorney General, and by the Attorneys General for their respective jurisdictions as follows: *Michael C. Geraghty* of Alaska, *Tom Horne* of Arizona, *Dustin McDaniel* of Arkansas, *Joseph R. Biden III* of Delaware, *Irvin B. Nathan* of the District of Columbia, *David M. Louie* of Hawaii, *Gregory F. Zoeller* of Indiana, *Lawrence G. Wasden* of Idaho, *Thomas Miller* of Iowa, *Derek Schmidt* of Kansas, *Jack Conway* of Kentucky, *Janet T. Mills* of Maine, *Jim Hood* of Mississippi, *Gary K. King* of New Mexico, *John J. Hoffman* of New Jersey, *Michael DeWine* of Ohio, *Peter F. Kilmartin* of Rhode Island, *William H. Sorrell* of Vermont, and *Peter K. Michael* of Wyoming; and for the Association of Prosecuting Attorneys et al. by *Gaëtan Gerville-Réache*, *John J. Bursch*, and *Matthew T. Nelson*.

CHIEF JUSTICE ROBERTS delivered the opinion of the Court.

The Fourth Amendment prohibits "unreasonable searches and seizures." Under this standard, a search or seizure may be permissible even though the justification for the action includes a reasonable factual mistake. An officer might, for example, stop a motorist for traveling alone in a high-occupancy vehicle lane, only to discover upon approaching the car that two children are slumped over asleep in the back seat. The driver has not violated the law, but neither has the officer violated the Fourth Amendment.

But what if the police officer's reasonable mistake is not one of fact but of law? In this case, an officer stopped a vehicle because one of its two brake lights was out, but a court later determined that a single working brake light was all the law required. The question presented is whether such a mistake of law can nonetheless give rise to the reasonable suspicion necessary to uphold the seizure under the Fourth Amendment. We hold that it can. Because the officer's mistake about the brake-light law was reasonable, the stop in this case was lawful under the Fourth Amendment.

I

On the morning of April 29, 2009, Sergeant Matt Darisse of the Surry County Sheriff's Department sat in his patrol car near Dobson, North Carolina, observing northbound traffic on Interstate 77. Shortly before 8 a.m., a Ford Escort passed by. Darisse thought the driver looked "very stiff and nervous," so he pulled onto the interstate and began following the Escort. A few miles down the road, the Escort braked as it approached a slower vehicle, but only the left brake light came on. Noting the faulty right brake light, Darisse activated his vehicle's lights and pulled the Escort over. App. 4–7, 15–16.

Two men were in the car: Maynor Javier Vasquez sat behind the wheel, and petitioner Nicholas Brady Heien lay

across the rear seat. Sergeant Darisse explained to Vasquez that as long as his license and registration checked out, he would receive only a warning ticket for the broken brake light. A records check revealed no problems with the documents, and Darisse gave Vasquez the warning ticket. But Darisse had become suspicious during the course of the stop—Vasquez appeared nervous, Heien remained lying down the entire time, and the two gave inconsistent answers about their destination. Darisse asked Vasquez if he would be willing to answer some questions. Vasquez assented, and Darisse asked whether the men were transporting various types of contraband. Told no, Darisse asked whether he could search the Escort. Vasquez said he had no objection, but told Darisse he should ask Heien, because Heien owned the car. Heien gave his consent, and Darisse, aided by a fellow officer who had since arrived, began a thorough search of the vehicle. In the side compartment of a duffle bag, Darisse found a sandwich bag containing cocaine. The officers arrested both men. 366 N. C. 271, 272–273, 737 S. E. 2d 351, 352–353 (2012); App. 5–6, 25, 37.

The State charged Heien with attempted trafficking in cocaine. Heien moved to suppress the evidence seized from the car, contending that the stop and search had violated the Fourth Amendment of the United States Constitution. After a hearing at which both officers testified and the State played a video recording of the stop, the trial court denied the suppression motion, concluding that the faulty brake light had given Sergeant Darisse reasonable suspicion to initiate the stop, and that Heien's subsequent consent to the search was valid. Heien pleaded guilty but reserved his right to appeal the suppression decision. App. 1, 7–10, 12, 29, 43–44.

The North Carolina Court of Appeals reversed. 214 N. C. App. 515, 714 S. E. 2d 827 (2011). The initial stop was not valid, the court held, because driving with only one working brake light was not actually a violation of North Carolina

law. The relevant provision of the vehicle code provides that a car must be

> "equipped with a stop lamp on the rear of the vehicle. The stop lamp shall display a red or amber light visible from a distance of not less than 100 feet to the rear in normal sunlight, and shall be actuated upon application of the service (foot) brake. The stop lamp may be incorporated into a unit with one or more other rear lamps." N. C. Gen. Stat. Ann. §20–129(g) (2007).

Focusing on the statute's references to "a stop lamp" and "[t]he stop lamp" in the singular, the court concluded that a vehicle is required to have only one working brake light—which Heien's vehicle indisputably did. The justification for the stop was therefore "objectively unreasonable," and the stop violated the Fourth Amendment. 214 N. C. App., at 518–522, 714 S. E. 2d, at 829–831.

The State appealed, and the North Carolina Supreme Court reversed. 366 N. C. 271, 737 S. E. 2d 351. Noting that the State had chosen not to seek review of the Court of Appeals' interpretation of the vehicle code, the North Carolina Supreme Court assumed for purposes of its decision that the faulty brake light was not a violation. *Id.*, at 275, 737 S. E. 2d, at 354. But the court concluded that, for several reasons, Sergeant Darisse could have reasonably, even if mistakenly, read the vehicle code to require that both brake lights be in good working order. Most notably, a nearby code provision requires that "all originally equipped rear lamps" be functional. *Id.*, at 282–283, 737 S. E. 2d, at 358–359 (quoting N. C. Gen. Stat. Ann. §20–129(d)). Because Sergeant Darisse's mistaken understanding of the vehicle code was reasonable, the stop was valid. "An officer may make a mistake, including a mistake of law, yet still act reasonably under the circumstances. . . . [W]hen an officer acts reasonably under the circumstances, he is not violating the Fourth Amendment." 366 N. C., at 279, 737 S. E. 2d, at 356.

The North Carolina Supreme Court remanded to the Court of Appeals to address Heien's other arguments for suppression (which are not at issue here). *Id.*, at 283, 737 S. E. 2d, at 359. The Court of Appeals rejected those arguments and affirmed the trial court's denial of his motion to suppress. 226 N. C. App. 280, 741 S. E. 2d 1 (2013). The North Carolina Supreme Court affirmed in turn. 367 N. C. 163, 749 S. E. 2d 278 (2013). We granted certiorari. 572 U. S. 1059 (2014).

II

The Fourth Amendment provides:

> "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

A traffic stop for a suspected violation of law is a "seizure" of the occupants of the vehicle and therefore must be conducted in accordance with the Fourth Amendment. *Brendlin* v. *California*, 551 U. S. 249, 255–259 (2007). All parties agree that to justify this type of seizure, officers need only "reasonable suspicion"—that is, "a particularized and objective basis for suspecting the particular person stopped" of breaking the law. *Prado Navarette* v. *California*, 572 U. S. 393, 396 (2014) (internal quotation marks omitted). The question here is whether reasonable suspicion can rest on a mistaken understanding of the scope of a legal prohibition. We hold that it can.

As the text indicates and we have repeatedly affirmed, "the ultimate touchstone of the Fourth Amendment is 'reasonableness.'" *Riley* v. *California*, 573 U. S. 373, 381 (2014) (some internal quotation marks omitted). To be reasonable is not to be perfect, and so the Fourth Amendment allows

for some mistakes on the part of government officials, giving them "fair leeway for enforcing the law in the community's protection." *Brinegar* v. *United States*, 338 U. S. 160, 176 (1949). We have recognized that searches and seizures based on mistakes of fact can be reasonable. The warrantless search of a home, for instance, is reasonable if undertaken with the consent of a resident, and remains lawful when officers obtain the consent of someone who reasonably appears to be but is not in fact a resident. See *Illinois* v. *Rodriguez*, 497 U. S. 177, 183–186 (1990). By the same token, if officers with probable cause to arrest a suspect mistakenly arrest an individual matching the suspect's description, neither the seizure nor an accompanying search of the arrestee would be unlawful. See *Hill* v. *California*, 401 U. S. 797, 802–805 (1971). The limit is that "the mistakes must be those of reasonable men." *Brinegar*, *supra*, at 176.

But reasonable men make mistakes of law, too, and such mistakes are no less compatible with the concept of reasonable suspicion. Reasonable suspicion arises from the combination of an officer's understanding of the facts and his understanding of the relevant law. The officer may be reasonably mistaken on either ground. Whether the facts turn out to be not what was thought, or the law turns out to be not what was thought, the result is the same: The facts are outside the scope of the law. There is no reason, under the text of the Fourth Amendment or our precedents, why this same result should be acceptable when reached by way of a reasonable mistake of fact, but not when reached by way of a similarly reasonable mistake of law.

The dissent counters that our cases discussing probable cause and reasonable suspicion, most notably *Ornelas* v. *United States*, 517 U. S. 690, 696–697 (1996), have contained "scarcely a peep" about mistakes of law. *Post*, at 72 (opinion of SOTOMAYOR, J.). It would have been surprising, of course, if they had, since none of those cases involved a mistake of law.

Although such recent cases did not address mistakes of law, older precedents did. In fact, cases dating back two centuries support treating legal and factual errors alike in this context. Customs statutes enacted by Congress not long after the founding authorized courts to issue certificates indemnifying customs officers against damages suits premised on unlawful seizures. See, *e. g.*, Act of Mar. 2, 1799, ch. 22, § 89, 1 Stat. 695–696. Courts were to issue such certificates on a showing that the officer had "reasonable cause"—a synonym for "probable cause"—for the challenged seizure. *Ibid.*; see *Stacey* v. *Emery*, 97 U. S. 642, 646 (1878); *United States* v. *Riddle*, 5 Cranch 311 (1809). In *United States* v. *Riddle*, a customs officer seized goods on the ground that the English shipper had violated the customs laws by preparing an invoice that undervalued the merchandise, even though the American consignee declared the true value to the customs collector. Chief Justice Marshall held that there had been no violation of the customs law because, whatever the shipper's intention, the consignee had not actually attempted to defraud the Government. Nevertheless, because "the construction of the law was liable to some question," he affirmed the issuance of a certificate of probable cause: "A doubt as to the true construction of the *law* is as reasonable a cause for seizure as a doubt respecting the fact." *Id.*, at 313.

This holding—that reasonable mistakes of law, like those of fact, would justify certificates of probable cause—was reiterated in a number of 19th-century decisions. See, *e. g.*, *The Friendship*, 9 F. Cas. 825, 826 (No. 5,125) (CC Mass. 1812) (Story, J.); *United States* v. *The Reindeer*, 27 F. Cas. 758, 768 (No. 16,145) (CC RI 1848); *United States* v. *The Recorder*, 27 F. Cas. 723 (No. 16,130) (CC SDNY 1849). By the Civil War, there had been "numerous cases in which [a] captured vessel was in no fault, and had not, under a true construction of the law, presented even ground of suspicion, and yet the captor was exonerated because he acted under an honest mistake of

the law." *The La Manche*, 14 F. Cas. 965, 972 (No. 8,004) (Mass. 1863).

Riddle and its progeny are not directly on point. Chief Justice Marshall was not construing the Fourth Amendment, and a certificate of probable cause functioned much like a modern-day finding of qualified immunity, which depends on an inquiry distinct from whether an officer has committed a constitutional violation. See, *e. g.*, *Carroll* v. *Carman*, *ante*, at 20 (*per curiam*). But Chief Justice Marshall was nevertheless explaining the concept of probable cause, which, he noted elsewhere, "in all cases of seizure, has a fixed and well known meaning. It imports a seizure made under circumstances which warrant suspicion." *Locke* v. *United States*, 7 Cranch 339, 348 (1813). We have said the phrase "probable cause" bore this "fixed and well known meaning" in the Fourth Amendment, see *Brinegar*, *supra*, at 175, and n. 14, and *Riddle* illustrates that it encompassed suspicion based on reasonable mistakes of both fact and law. No decision of this Court in the two centuries since has undermined that understanding.*

The contrary conclusion would be hard to reconcile with a much more recent precedent. In *Michigan* v. *DeFillippo*, 443 U. S. 31 (1979), we addressed the validity of an arrest made under a criminal law later declared unconstitutional. A Detroit ordinance that authorized police officers to stop and question individuals suspected of criminal activity also made it an offense for such an individual "to refuse to iden-

*The dissent contends that "the tolerance of mistakes of law in cases like *Riddle* was a result of the specific customs statute that Congress had enacted." *Post*, at 77, n. 3 (citing *The Apollon*, 9 Wheat. 362, 373 (1824) (Story, J.)). The relevant portion of *The Apollon*, however, addressed "the *effect* of probable cause," not what gave rise to it. *Id.*, at 372 (emphasis added); see *id.*, at 376 (finding it "unnecessary" to decide whether probable cause existed because it "would not, under the circumstances of this case, constitute a valid defence"). Justice Story understandably did not cite *Riddle* or discuss its tolerance of mistakes of law anywhere in *The Apollon*.

tify himself and produce evidence of his identity." *Id.*, at 33. Detroit police officers sent to investigate a report of public intoxication arrested Gary DeFillippo after he failed to identify himself. A search incident to arrest uncovered drugs, and DeFillippo was charged with possession of a controlled substance. The Michigan Court of Appeals ordered the suppression of the drugs, concluding that the identification ordinance was unconstitutionally vague and that DeFillippo's arrest was therefore invalid. *Id.*, at 34–35.

Accepting the unconstitutionality of the ordinance as a given, we nonetheless reversed. At the time the officers arrested DeFillippo, we explained, "there was no controlling precedent that this ordinance was or was not constitutional, and hence the conduct observed violated a presumptively valid ordinance." *Id.*, at 37. Acknowledging that the outcome might have been different had the ordinance been "grossly and flagrantly unconstitutional," we concluded that under the circumstances "there was abundant probable cause to satisfy the constitutional prerequisite for an arrest." *Id.*, at 37–38.

The officers were wrong in concluding that DeFillippo was guilty of a criminal offense when he declined to identify himself. That a court only *later* declared the ordinance unconstitutional does not change the fact that DeFillippo's conduct was lawful when the officers observed it. See *Danforth* v. *Minnesota*, 552 U. S. 264, 271 (2008). But the officers' assumption that the law was valid was reasonable, and their observations gave them "abundant probable cause" to arrest DeFillippo. 443 U. S., at 37. Although DeFillippo could not be prosecuted under the identification ordinance, the search that turned up the drugs was constitutional.

Heien struggles to recast *DeFillippo* as a case solely about the exclusionary rule, not the Fourth Amendment itself. In his view, the officers' mistake of law resulted in a violation of the Fourth Amendment, but suppression of the drugs was not the proper remedy. We did say in a footnote that sup-

pression of the evidence found on DeFillippo would serve none of the purposes of the exclusionary rule. See *id.*, at 38, n. 3. But that literally marginal discussion does not displace our express holding that the arrest was constitutionally valid because the officers had probable cause. See *id.*, at 40. Nor, contrary to Heien's suggestion, did either *United States* v. *Leon*, 468 U. S. 897 (1984), or *Illinois* v. *Gates*, 462 U. S. 213 (1983), somehow erase that holding and transform *DeFillippo* into an exclusionary rule decision. See Brief for Petitioner 28–29. In *Leon*, we said *DeFillippo* paid "attention to the purposes underlying the exclusionary rule," but we also clarified that it did "not involv[e] the scope of the rule itself." 468 U. S., at 911–912. As for *Gates*, only Justice White's separate opinion (joined by no other Justice) discussed *DeFillippo*, and it acknowledged that "*DeFillippo* did not modify the exclusionary rule itself" but instead "upheld the validity of an arrest." 462 U. S., at 256, n. 12 (opinion concurring in judgment).

Heien is correct that in a number of decisions we have looked to the reasonableness of an officer's legal error in the course of considering the appropriate remedy for a constitutional violation, instead of whether there was a violation at all. See, *e. g.*, *Davis* v. *United States*, 564 U. S. 229, 239 (2011) (exclusionary rule); *Illinois* v. *Krull*, 480 U. S. 340, 359–360 (1987) (exclusionary rule); *Wilson* v. *Layne*, 526 U. S. 603, 615 (1999) (qualified immunity); *Anderson* v. *Creighton*, 483 U. S. 635, 641 (1987) (qualified immunity). In those cases, however, we had already found or assumed a Fourth Amendment violation. An officer's mistaken view that the conduct at issue did *not* give rise to such a violation—no matter how reasonable—could not change that ultimate conclusion. See Brief for Respondent 29–31; Brief for United States as *Amicus Curiae* 30, n. 3. Any consideration of the reasonableness of an officer's mistake was therefore limited to the separate matter of remedy.

Here, by contrast, the mistake of law relates to the antecedent question of whether it was reasonable for an officer to suspect that the defendant's conduct was illegal. If so, there was no violation of the Fourth Amendment in the first place. None of the cases Heien or the dissent cites precludes a court from considering a reasonable mistake of law in addressing that question. Cf. *Herring* v. *United States*, 555 U. S. 135, 139 (2009) (assuming a Fourth Amendment violation while rejecting application of the exclusionary rule, but noting that "[w]hen a probable-cause determination was based on reasonable but mistaken assumptions, the person subjected to a search or seizure has not necessarily been the victim of a constitutional violation").

Heien also contends that the reasons the Fourth Amendment allows some errors of fact do not extend to errors of law. Officers in the field must make factual assessments on the fly, Heien notes, and so deserve a margin of error. In Heien's view, no such margin is appropriate for questions of law: The statute here either requires one working brake light or two, and the answer does not turn on anything "an officer might suddenly confront in the field." Brief for Petitioner 21. But Heien's point does not consider the reality that an officer may "suddenly confront" a situation in the field as to which the application of a statute is unclear—however clear it may later become. A law prohibiting "vehicles" in the park either covers Segways or not, see A. Scalia & B. Garner, Reading Law: The Interpretation of Legal Texts 36–38 (2012), but an officer will nevertheless have to make a quick decision on the law the first time one whizzes by.

Contrary to the suggestion of Heien and *amici*, our decision does not discourage officers from learning the law. The Fourth Amendment tolerates only *reasonable* mistakes, and those mistakes—whether of fact or of law—must be *objectively* reasonable. We do not examine the subjective understanding of the particular officer involved. Cf. *Whren* v.

United States, 517 U. S. 806, 813 (1996). And the inquiry is not as forgiving as the one employed in the distinct context of deciding whether an officer is entitled to qualified immunity for a constitutional or statutory violation. Thus, an officer can gain no Fourth Amendment advantage through a sloppy study of the laws he is dutybound to enforce.

Finally, Heien and *amici* point to the well-known maxim, "Ignorance of the law is no excuse," and contend that it is fundamentally unfair to let police officers get away with mistakes of law when the citizenry is accorded no such leeway. Though this argument has a certain rhetorical appeal, it misconceives the implication of the maxim. The true symmetry is this: Just as an individual generally cannot escape criminal liability based on a mistaken understanding of the law, so too the government cannot impose criminal liability based on a mistaken understanding of the law. If the law required two working brake lights, Heien could not escape a ticket by claiming he reasonably thought he needed only one; if the law required only one, Sergeant Darisse could not issue a valid ticket by claiming he reasonably thought drivers needed two. But just because mistakes of law cannot justify either the imposition or the avoidance of criminal liability, it does not follow that they cannot justify an investigatory stop. And Heien is not appealing a brake-light ticket; he is appealing a cocaine-trafficking conviction as to which there is no asserted mistake of fact or law.

III

Here we have little difficulty concluding that the officer's error of law was reasonable. Although the North Carolina statute at issue refers to "*a* stop lamp," suggesting the need for only a single working brake light, it also provides that "[t]he stop lamp may be incorporated into a unit with one or more *other* rear lamps." N. C. Gen. Stat. Ann. §20–129(g) (emphasis added). The use of "other" suggests to the everyday reader of English that a "stop lamp" is a type of "rear

lamp." And another subsection of the same provision requires that vehicles "have all originally equipped rear lamps or the equivalent in good working order," § 20–129(d), arguably indicating that if a vehicle has multiple "stop lamp[s]," all must be functional.

The North Carolina Court of Appeals concluded that the "rear lamps" discussed in subsection (d) do not include brake lights, but, given the "other," it would at least have been reasonable to think they did. Both the majority and the dissent in the North Carolina Supreme Court so concluded, and we agree. See 366 N. C., at 282–283, 737 S. E. 2d, at 358–359; *id.*, at 283, 737 S. E. 2d, at 359 (Hudson, J., dissenting) (calling the Court of Appeals' decision "surprising"). This "stop lamp" provision, moreover, had never been previously construed by North Carolina's appellate courts. See *id.*, at 283, 737 S. E. 2d, at 359 (majority opinion). It was thus objectively reasonable for an officer in Sergeant Darisse's position to think that Heien's faulty right brake light was a violation of North Carolina law. And because the mistake of law was reasonable, there was reasonable suspicion justifying the stop.

The judgment of the Supreme Court of North Carolina is

Affirmed.

JUSTICE KAGAN, with whom JUSTICE GINSBURG joins, concurring.

I concur in full in the Court's opinion, which explains why certain mistakes of law can support the reasonable suspicion needed to stop a vehicle under the Fourth Amendment. In doing so, the Court correctly emphasizes that the "Fourth Amendment tolerates only . . . *objectively* reasonable" mistakes of law. *Ante*, at 66. And the Court makes clear that the inquiry into whether an officer's mistake of law counts as objectively reasonable "is not as forgiving as the one employed in the distinct context of deciding whether an officer

is entitled to qualified immunity." *Ante*, at 67. I write separately to elaborate briefly on those important limitations.*

First, an officer's "subjective understanding" is irrelevant: As the Court notes, "[w]e do not examine" it at all. *Ante*, at 66. That means the government cannot defend an officer's mistaken legal interpretation on the ground that the officer was unaware of or untrained in the law. And it means that, contrary to the dissenting opinion in the court below, an officer's reliance on "an incorrect memo or training program from the police department" makes no difference to the analysis. 366 N. C. 271, 284, 737 S. E. 2d 351, 360 (2012) (Hudson, J., dissenting). Those considerations pertain to the officer's subjective understanding of the law and thus cannot help to justify a seizure.

Second, the inquiry the Court permits today is more demanding than the one courts undertake before awarding qualified immunity. See Tr. of Oral Arg. 51 (Solicitor General stating that the two tests "require essentially the opposite" showings); Brief for Respondent 31–32 (making a similar point). Our modern qualified immunity doctrine protects "all but the plainly incompetent or those who knowingly violate the law." *Ashcroft* v. *al-Kidd*, 563 U. S. 731, 743 (2011) (quoting *Malley* v. *Briggs*, 475 U. S. 335, 341 (1986)). By contrast, Justice Story's opinion in *The Friendship*, 9 F. Cas. 825, 826 (No. 5,125) (CC Mass. 1812) (cited *ante*, at 62), suggests the appropriate standard for deciding when a legal error can support a seizure: when an officer

*I note in addition, as does the Court, that one kind of mistaken legal judgment—an error about the contours of the Fourth Amendment itself—can never support a search or seizure. See *ante*, at 65 ("An officer's mistaken view that" conduct does "*not* give rise to" a Fourth Amendment violation, "no matter how reasonable," cannot change a court's "ultimate conclusion" that such a violation has occurred). As the Solicitor General has explained, mistakes about the requirements of the Fourth Amendment "violate the Fourth Amendment even when they are reasonable." Brief for United States as *Amicus Curiae* 30, n. 3; see Brief for Respondent 29 (stating the same view).

takes a reasonable view of a "vexata questio" on which different judges "h[o]ld opposite opinions." See Brief for United States as *Amicus Curiae* 26 (invoking that language). Or to make the same point without the Latin, the test is satisfied when the law at issue is "so doubtful in construction" that a reasonable judge could agree with the officer's view. *The Friendship*, 9 F. Cas., at 826.

A court tasked with deciding whether an officer's mistake of law can support a seizure thus faces a straightforward question of statutory construction. If the statute is genuinely ambiguous, such that overturning the officer's judgment requires hard interpretive work, then the officer has made a reasonable mistake. But if not, not. As the Solicitor General made the point at oral argument, the statute must pose a "really difficult" or "very hard question of statutory interpretation." Tr. of Oral Arg. 50. And indeed, both North Carolina and the Solicitor General agreed that such cases will be "exceedingly rare." Brief for Respondent 17; Tr. of Oral Arg. 48.

The Court's analysis of Sergeant Darisse's interpretation of the North Carolina law at issue here appropriately reflects these principles. As the Court explains, see *ante*, at 67–68, the statute requires every car on the highway to have "a stop lamp," in the singular. N. C. Gen. Stat. Ann. §20–129(g) (2007). But the statute goes on to state that a stop lamp (or, in more modern terminology, brake light) "may be incorporated into a unit with one or more *other* rear lamps," suggesting that a stop lamp itself qualifies as a rear lamp. *Ibid.* (emphasis added). And the statute further mandates that every car have "*all* originally equipped rear lamps . . . in good working order." §20–129(d) (emphasis added). The North Carolina Court of Appeals dealt with the statute's conflicting signals in one way (deciding that a brake light is *not* a rear lamp, and so only one needs to work); but a court could easily take the officer's view (deciding that a brake light *is* a rear lamp, and if a car comes equipped with more

than one, as modern cars do, all must be in working order). The critical point is that the statute poses a quite difficult question of interpretation, and Sergeant Darisse's judgment, although overturned, had much to recommend it. I therefore agree with the Court that the traffic stop he conducted did not violate the Fourth Amendment.

JUSTICE SOTOMAYOR, dissenting.

The Court is, of course, correct that "'the ultimate touchstone of the Fourth Amendment is "reasonableness."'" *Riley* v. *California*, 573 U. S. 373, 381 (2014). But this broad statement simply sets the standard a court is to apply when it conducts its inquiry into whether the Fourth Amendment has been violated. It does not define the categories of inputs that courts are to consider when assessing the reasonableness of a search or seizure, each of which must be independently justified. What this case requires us to decide is whether a police officer's understanding of the law is an input into the reasonableness inquiry, or whether this inquiry instead takes the law as a given and assesses an officer's understanding of the facts against a fixed legal yardstick.

I would hold that determining whether a search or seizure is reasonable requires evaluating an officer's understanding of the facts against the actual state of the law. I would accordingly reverse the judgment of the North Carolina Supreme Court, and I respectfully dissent from the Court's contrary holding.

I

It is common ground that Heien was seized within the meaning of the Fourth Amendment. Such a seizure comports with the Constitution only if the officers had articulable and reasonable suspicion that Heien was breaking the law. In *Ornelas* v. *United States*, 517 U. S. 690, 696 (1996), we explained that the "principal components" of that determination "will be the events which occurred leading up to the

stop or search, and then the decision whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to reasonable suspicion or to probable cause." We described this kind of determination as "a mixed question of law and fact": "'[T]he issue is whether the facts satisfy the [relevant] statutory [or constitutional] standard, or to put it another way, whether the rule of law as applied to the established facts is or is not violated.'" *Id.*, at 696–697 (quoting *Pullman-Standard* v. *Swint*, 456 U. S. 273, 289, n. 19 (1982)). What matters, we said, are the facts as viewed by an objectively reasonable officer, and the rule of law—not an officer's conception of the rule of law, and not even an officer's reasonable misunderstanding about the law, but the law.

As a result, when we have talked about the leeway that officers have in making probable-cause determinations, we have focused on their assessments of facts. See, *e. g.*, *Terry* v. *Ohio*, 392 U. S. 1, 21–22 (1968) (framing the question as whether the "facts" give rise to reasonable suspicion). We have conceded that an arresting officer's state of mind does not factor into the probable-cause inquiry, "except for *the facts* that he knows." *Devenpeck* v. *Alford*, 543 U. S. 146, 153 (2004) (emphasis added). And we have said that, to satisfy the reasonableness requirement, "what is generally demanded of the many *factual determinations* that must regularly be made by agents of the government . . . is not that they always be correct, but that they always be reasonable." *Illinois* v. *Rodriguez*, 497 U. S. 177, 185 (1990) (emphasis added). There is scarcely a peep in these cases to suggest that an officer's understanding or conception of anything other than the facts is relevant.

This framing of the reasonableness inquiry has not only been focused on officers' understanding of the facts; it has been justified in large part based on the recognition that officers are generally in a superior position, relative to courts, to evaluate those facts and their significance as they unfold.

In other words, the leeway we afford officers' factual assessments is rooted not only in our recognition that police officers operating in the field have to make quick decisions, see *id.*, at 186, but also in our understanding that police officers have the expertise to "dra[w] inferences and mak[e] deductions . . . that might well elude an untrained person," *United States* v. *Cortez*, 449 U. S. 411, 418 (1981). When officers evaluate unfolding circumstances, they deploy that expertise to draw "conclusions about human behavior" much in the way that "jurors [do] *as factfinders*." *Ibid.* (emphasis added).

The same cannot be said about legal exegesis. After all, the meaning of the law is not probabilistic in the same way that factual determinations are. Rather, "the notion that the law is definite and knowable" sits at the foundation of our legal system. *Cheek* v. *United States*, 498 U. S. 192, 199 (1991). And it is courts, not officers, that are in the best position to interpret the laws.

Both our enunciation of the reasonableness inquiry and our justification for it thus have always turned on an officer's factual conclusions and an officer's expertise with respect to those factual conclusions. Neither has hinted at taking into account an officer's understanding of the law, reasonable or otherwise.

II

Departing from this tradition means further eroding the Fourth Amendment's protection of civil liberties in a context where that protection has already been worn down. Traffic stops like those at issue here can be "annoying, frightening, and perhaps humiliating." *Terry*, 392 U. S., at 25; see *Delaware* v. *Prouse*, 440 U. S. 648, 657 (1979). We have nevertheless held that an officer's subjective motivations do not render a traffic stop unlawful. *Whren* v. *United States*, 517 U. S. 806 (1996). But we assumed in *Whren* that when an officer acts on pretext, at least that pretext would be the violation of an actual law. See *id.*, at 810 (discussing the three provisions of the District of Columbia traffic code that

the parties accepted the officer had probable cause to believe had been violated). Giving officers license to effect seizures so long as they can attach to their reasonable view of the facts some reasonable legal interpretation (or misinterpretation) that suggests a law has been violated significantly expands this authority. Cf. *Barlow* v. *United States*, 7 Pet. 404, 411 (1833) (Story, J.) ("There is scarcely any law which does not admit of some ingenious doubt"). One wonders how a citizen seeking to be law abiding and to structure his or her behavior to avoid these invasive, frightening, and humiliating encounters could do so.

In addition to these human consequences—including those for communities and for their relationships with the police—permitting mistakes of law to justify seizures has the perverse effect of preventing or delaying the clarification of the law. Under such an approach, courts need not interpret statutory language but can instead simply decide whether an officer's interpretation was reasonable. Indeed, had this very case arisen after the North Carolina Supreme Court announced its rule, the North Carolina Court of Appeals would not have had the occasion to interpret the statute at issue. Similarly, courts in the Eighth Circuit, which has been the only Circuit to include police mistakes of law in the reasonableness inquiry, have observed that they need not decide interpretive questions under their approach. See, *e. g.*, *United States* v. *Rodriguez-Lopez*, 444 F. 3d 1020, 1022–1023 (2006).[1] This result is bad for citizens, who need to

[1] Every other Circuit to have squarely addressed the question has held that police mistakes of law are not a factor in the reasonableness inquiry. See *United States* v. *Miller*, 146 F. 3d 274, 279 (CA5 1998); *United States* v. *McDonald*, 453 F. 3d 958, 962 (CA7 2006); *United States* v. *King*, 244 F. 3d 736, 741 (CA9 2001); *United States* v. *Nicholson*, 721 F. 3d 1236, 1244 (CA10 2013); *United States* v. *Chanthasouxat*, 342 F. 3d 1271, 1279–1280 (CA11 2003). Five States have agreed. See *Hilton* v. *State*, 961 So. 2d 284, 298 (Fla. 2007); *State* v. *Louwrens*, 792 N. W. 2d 649, 652 (Iowa 2010); *Martin* v. *Kansas Dept. of Revenue*, 285 Kan. 625, 637–639, 176 P. 3d 938,

know their rights and responsibilities, and it is bad for police, who would benefit from clearer direction. Cf. *Camreta* v. *Greene*, 563 U. S. 692, 706–708 (2011) (recognizing the importance of clarifying the law).

Of course, if the law enforcement system could not function without permitting mistakes of law to justify seizures, one could at least argue that permitting as much is a necessary evil. But I have not seen any persuasive argument that law enforcement will be unduly hampered by a rule that precludes consideration of mistakes of law in the reasonableness inquiry. After all, there is no indication that excluding an officer's mistake of law from the reasonableness inquiry has created a problem for law enforcement in the overwhelming number of Circuits that have adopted that approach. If an officer makes a stop in good faith but it turns out that, as in this case, the officer was wrong about what the law proscribed or required, I know of no penalty that the officer would suffer. See 366 N. C. 271, 286–288, 737 S. E. 2d 351, 361–362 (2012) (Hudson, J., dissenting) (observing that "officers (rightfully) face no punishment for a stop based on a mistake of law"). Moreover, such an officer would likely have a defense to any civil suit on the basis of qualified immunity. See *Ashcroft* v. *al-Kidd*, 563 U. S. 731, 743 (2011) ("Qualified immunity gives government officials breathing room to make reasonable but mistaken judgments about open legal questions").

Nor will it often be the case that any evidence that may be seized during the stop will be suppressed, thanks to the exception to the exclusionary rule for good-faith police errors. See, *e. g.*, *Davis* v. *United States*, 564 U. S. 229, 238–239 (2011). It is true that, unlike most States, North Carolina does not provide a good-faith exception as a matter of state law, see *State* v. *Carter*, 322 N. C. 709, 721–724, 370

948 (2008); *State* v. *Anderson*, 683 N. W. 2d 818, 823–824 (Minn. 2004); *State* v. *Lacasella*, 313 Mont. 185, 193–195, 60 P. 3d 975, 981–982 (2002).

S. E. 2d 553, 560–562 (1988), but North Carolina recognizes that it may solve any remedial problems it may perceive on its own, see *id.*, at 724, 370 S. E. 2d, at 562; N. C. Gen. Stat. Ann. § 15A–974 (2013) (statutory good-faith exception).[2] More fundamentally, that is a remedial concern, and the protections offered by the Fourth Amendment are not meant to yield to accommodate remedial concerns. Our jurisprudence draws a sharp "analytica[l] distinct[ion]" between the existence of a Fourth Amendment violation and the remedy for that violation. *Davis*, 564 U. S., at 243.

In short, there is nothing in our case law requiring us to hold that a reasonable mistake of law can justify a seizure under the Fourth Amendment, and quite a bit suggesting just the opposite. I also see nothing to be gained from such a holding, and much to be lost.

III

In reaching the contrary conclusion, the Court makes both serious legal and practical errors. On the legal side, the Court barely addresses *Ornelas* and the other cases that frame the reasonableness inquiry around factual determina-

[2] In addition to North Carolina, it appears that 13 States do not provide a good-faith exception. See *State* v. *Marsala*, 216 Conn. 150, 151, 579 A. 2d 58, 59 (1990); *Dorsey* v. *State*, 761 A. 2d 807, 814 (Del. 2000); *Gary* v. *State*, 262 Ga. 573, 574–575, 422 S. E. 2d 426, 428 (1992); *State* v. *Guzman*, 122 Idaho 981, 998, 842 P. 2d 660, 677 (1992); *State* v. *Cline*, 617 N. W. 2d 277, 283 (Iowa 2000), abrogated on other grounds by *State* v. *Turner*, 630 N. W. 2d 601 (Iowa 2001); *Commonwealth* v. *Upton*, 394 Mass. 363, 370, n. 5, 476 N. E. 2d 548, 554, n. 5 (1985); *State* v. *Canelo*, 139 N. H. 376, 383, 653 A. 2d 1097, 1102 (1995); *State* v. *Johnson*, 168 N. J. 608, 622–623, 775 A. 2d 1273, 1281–1282 (2001); *State* v. *Gutierrez*, 116 N. M. 431, 432, 863 P. 2d 1052, 1053 (1993); *People* v. *Bigelow*, 66 N. Y. 2d 417, 427, 488 N. E. 2d 451, 457–458 (1985); *Commonwealth* v. *Edmunds*, 526 Pa. 374, 376, 586 A. 2d 887, 888 (1991); *State* v. *Oakes*, 157 Vt. 171, 173, 598 A. 2d 119, 121 (1991); *State* v. *Afana*, 169 Wash. 2d 169, 184, 233 P. 3d 879, 886 (2010); see also *People* v. *Krueger*, 175 Ill. 2d 60, 61, 76, 675 N. E. 2d 604, 606, 612 (1996) (limiting the exception to situations where police have a warrant).

tions. Instead, in support of its conclusion that reasonable suspicion "arises from the *combination* of an officer's understanding of the facts *and* his understanding of the relevant law," *ante*, at 61 (emphasis added), the Court first reaches to founding-era customs statutes and cases applying those statutes. It concedes, however, that these cases are "not directly on point" because they say nothing about the scope of the Fourth Amendment and are instead equivalents of our modern-day qualified immunity jurisprudence for civil damages. *Ante*, at 63.

The only link in the tenuous chain the Court constructs between those cases and this one that has anything to say about the Fourth Amendment is *Brinegar* v. *United States*, 338 U. S. 160 (1949). See *ante*, at 63. But all that our opinion in *Brinegar* actually says is that probable cause exists where "'the facts and circumstances within [the officers'] knowledge and of which they had reasonably trustworthy information [are] sufficient in themselves to warrant a man of reasonable caution in the belief that' an offense has been or is being committed." 338 U. S., at 175–176 (quoting *Carroll* v. *United States*, 267 U. S. 132, 162 (1925)). It thus states the uncontroversial proposition that the probable-cause inquiry looks to the reasonableness of an officer's understanding of the facts. Indeed, *Brinegar* is an odd case for the Court to rely on given that, like the cases I discussed above, it subsequently emphasizes that "the mistakes must be those of reasonable men, acting on *facts* leading sensibly to their conclusions of probability." 338 U. S., at 176 (emphasis added). Again, reasonable understandings of the facts, not reasonable understandings of what the law says.[3]

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[3] The Court in fact errs even earlier in the chain when it represents *United States* v. *Riddle*, 5 Cranch 311 (1809), as containing some broad proposition. *Ante*, at 62. As Justice Story explained in a later case, the tolerance of mistakes of law in cases like *Riddle* was a result of the specific customs statute that Congress had enacted. *The Apollon*, 9 Wheat. 362,

Further, the Court looks to our decision in *Michigan* v. *DeFillippo*, 443 U. S. 31 (1979). This is a Fourth Amendment case, but the Court's reading of it imagines a holding that is not rooted in the logic of the opinion. We held in *DeFillippo* that an officer had probable cause to support an arrest even though the ordinance that had allegedly been violated was later held by the Michigan Court of Appeals to be unconstitutional. This was so, we explained, because the officer conducted an arrest after having observed conduct that was criminalized by a presumptively valid law at the time of that conduct. See *id.*, at 37 ("At th[e] time [of the arrest], of course, there was no controlling precedent that this ordinance was or was not constitutional, and hence the conduct observed violated a presumptively valid ordinance"). We noted that it would have been wrong for that officer not to enforce the law in that situation. See *id.*, at 38 ("Police are charged to enforce laws until and unless they are declared unconstitutional. . . . Society would be ill-served if its police officers took it upon themselves to determine which laws are and which are not constitutionally entitled to enforcement").

DeFillippo thus did not involve any police "mistake" at all. Rather, *DeFillippo* involved a police officer correctly applying the law that was then in existence and that carried with it a presumption of validity. Here, by contrast, police stopped Heien on suspicion of committing an offense that never actually existed. Given that our holding in *DeFillippo* relied so squarely on the existence of a law criminalizing the defendant's conduct, and on the presumption of validity that attends actual laws, it can hardly be said to control where, as here, no law ever actually criminalized Heien's conduct.

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373 (1824) (explaining that findings of probable cause "ha[d] never been supposed to excuse any seizure, *except* where some statute creates and defines the exemption from damages" (emphasis added)).

On the practical side, the Court primarily contends that an officer may confront "a situation in the field as to which the application of a statute is unclear." *Ante*, at 66. One is left to wonder, however, why an innocent citizen should be made to shoulder the burden of being seized whenever the law may be susceptible to an interpretive question. Moreover, the Court fails to reconcile its belief that the Fourth Amendment gives officers leeway to address situations where the application of a criminal statute may be unclear with our prior assumption that the Fourth Amendment does not give officers such leeway where they rely on a statute that authorizes police conduct that may violate the Fourth Amendment. See *Illinois* v. *Krull*, 480 U. S. 340, 355, n. 12, 359 (1987). Nor does it engage with the analytic consequences of North Carolina's similar concession that it does not mean to claim "that an officer's mistaken understanding of the Fourth Amendment itself can support a seizure if that understanding was reasonable." Brief for Respondent 29. It is not clear why an officer's mistaken understanding of other laws should be viewed differently.

While I appreciate that the Court has endeavored to set some bounds on the types of mistakes of law that it thinks will qualify as reasonable, and while I think that the set of reasonable mistakes of law ought to be narrowly circumscribed if they are to be countenanced at all, I am not at all convinced that the Court has done so in a clear way. It seems to me that the difference between qualified immunity's reasonableness standard—which the Court insists without elaboration does not apply here—and the Court's conception of reasonableness in this context—which remains undefined—will prove murky in application. See *ante*, at 66–67. I fear the Court's unwillingness to sketch a fuller view of what makes a mistake of law reasonable only presages the likely difficulty that courts will have applying the Court's decision in this case.

* * *

To my mind, the more administrable approach—and the one more consistent with our precedents and principles—would be to hold that an officer's mistake of law, no matter how reasonable, cannot support the individualized suspicion necessary to justify a seizure under the Fourth Amendment. I respectfully dissent.

Syllabus

DART CHEROKEE BASIN OPERATING CO., LLC, ET AL. *v.* OWENS

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

No. 13–719. Argued October 7, 2014—Decided December 15, 2014

A defendant seeking to remove a case from state to federal court must file in the federal forum a notice of removal "containing a short and plain statement of the grounds for removal." 28 U. S. C. § 1446(a).

Respondent Owens filed a putative class action in Kansas state court, seeking compensation for damages class members allegedly sustained when petitioners (collectively, Dart) underpaid royalties due under certain oil and gas leases. Dart removed the case to the Federal District Court, invoking the Class Action Fairness Act of 2005 (CAFA), which gives federal courts jurisdiction over class actions if the amount in controversy exceeds $5 million, 28 U. S. C. § 1332(d)(2). Dart's notice of removal alleged that the purported underpayments totaled over $8.2 million. Owens moved to remand the case to state court, asserting that the removal notice was "deficient as a matter of law" because it included "no evidence" proving that the amount in controversy exceeded $5 million. In response, Dart submitted an executive's detailed declaration supporting an amount in controversy in excess of $11 million. The District Court granted Owens' remand motion, reading Tenth Circuit precedent to require proof of the amount in controversy in the notice of removal itself. Dart petitioned the Tenth Circuit for permission to appeal, see § 1453(c)(1), but that court denied review and rehearing en banc.

Held:

1. As specified in § 1446(a), a defendant's notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold; the notice need not contain evidentiary submissions.

Section 1446(a) tracks the general pleading requirement stated in Rule 8(a) of the Federal Rules of Civil Procedure. By borrowing Rule 8(a)'s "short and plain statement" standard, corroborative history indicates, Congress intended to clarify that courts should "apply the same liberal rules [to removal allegations as] to other matters of pleading." H. R. Rep. No. 100–889, p. 71. The amount-in-controversy allegation of a plaintiff invoking federal-court jurisdiction is accepted if made in good

faith. See, *e. g.*, *Mt. Healthy City Bd. of Ed.* v. *Doyle*, 429 U. S. 274, 276. Similarly, the amount-in-controversy allegation of a defendant seeking federal-court adjudication should be accepted when not contested by the plaintiff or questioned by the court. In the event that the plaintiff does contest the defendant's allegations, both sides submit proof and the court decides, by a preponderance of the evidence, whether the amount-in-controversy requirement has been satisfied, see § 1446(c)(2)(B).

In remanding the case to state court, the District Court relied, in part, on a purported "presumption" against removal, but no antiremoval presumption attends cases invoking CAFA, a statute Congress enacted to facilitate adjudication of certain class actions in federal court. See *Standard Fire Ins. Co.* v. *Knowles*, 568 U. S. 588, 595. Pp. 87–89.

2. The District Court erred in remanding this case for want of an evidentiary submission in the notice of removal, and the Tenth Circuit abused its discretion in denying review of that decision. Pp. 89–96.

(a) This Court concludes that no jurisdictional barrier impedes settlement of the question presented: whether evidence supporting the amount in controversy must be included in a notice of removal. The case was "in" the Tenth Circuit because of Dart's application for leave to appeal, and the Court has jurisdiction to review what the Court of Appeals did with that application. See 28 U. S. C. § 1254; *Hohn* v. *United States*, 524 U. S. 236, 248. Pp. 89–90.

(b) While appellate review of a remand order is discretionary, exercise of that discretion is not rudderless, see *Highmark Inc.* v. *Allcare Health Management System, Inc.*, 572 U. S. 559, 563, and a court "would necessarily abuse its discretion if it based its ruling on an erroneous view of the law," *Cooter & Gell* v. *Hartmarx Corp.*, 496 U. S. 384, 405. The Tenth Circuit had previously stated considerations bearing on the intelligent exercise of discretion under § 1453(c)(1). One of those considerations is particularly relevant here: A court of appeals should inquire whether, if a district court's remand order remains undisturbed, the case will "leave the ambit of the federal courts for good, precluding any other opportunity for [the defendant] to vindicate its claimed legal entitlement [under CAFA] . . . to have a federal tribunal adjudicate the merits." *BP America, Inc.* v. *Oklahoma ex rel. Edmondson*, 613 F. 3d 1029, 1035. Thus the Tenth Circuit's own guide weighed heavily in favor of accepting Dart's appeal. In practical effect, the Court of Appeals' denial of review established the law—the requirement of proof of the amount in controversy in the removal notice—not simply for this case, but for future CAFA removals sought by defendants in the Tenth Circuit, leaving those defendants with no realistic opportunity to resist making the evidentiary submission.

The District Court, driven by its conscientious endeavor to follow Circuit precedent, erred in ruling that Dart's amount-in-controversy allegation failed for want of proof. It was an abuse of discretion for the Tenth Circuit to deny Dart's request for review, for that disposition fastened on district courts within the Circuit an erroneous view of the law. Contrary to the law the District Court derived from Tenth Circuit precedent, a removal notice need only plausibly allege, not detail proof of, the amount in controversy. Pp. 90–96.

Vacated and remanded.

GINSBURG, J., delivered the opinion of the Court, in which ROBERTS, C. J., and BREYER, ALITO, and SOTOMAYOR, JJ., joined. SCALIA, J., filed a dissenting opinion, in which KENNEDY and KAGAN, JJ., joined, and in which THOMAS, J., joined as to all but the final sentence, *post*, p. 96. THOMAS, J., filed a dissenting opinion, *post*, p. 102.

Nowell D. Berreth argued the cause for petitioners. With him on the briefs were *Brian D. Boone*, *Jonathan D. Parente*, and *Matthew J. Salzman*.

Rex A. Sharp argued the cause for respondent. With him on the brief were *Barbara C. Frankland*, *David E. Sharp*, and *John F. Edgar*.*

JUSTICE GINSBURG delivered the opinion of the Court.

To remove a case from a state court to a federal court, a defendant must file in the federal forum a notice of removal "containing a short and plain statement of the grounds for removal." 28 U. S. C. § 1446(a). When removal is based on diversity of citizenship, an amount-in-controversy require-

*Briefs of *amici curiae* urging reversal were filed for the Chamber of Commerce of the United States of America et al. by *John H. Beisner*, *Geoffrey M. Wyatt*, *Kate Comerford Todd*, *Tyler R. Green*, *Karen Harned*, *Luke Wake*, and *Deborah White*; for DRI–The Voice of the Defense Bar by *Scott Burnett Smith*, *Edmund S. Sauer*, and *J. Michael Weston*; and for the Washington Legal Foundation et al. by *Richard A. Samp*, *Cory L. Andrews*, and *Mary-Christine Sungaila*.

Scott L. Nelson and *Allison M. Zieve* filed a brief for Public Citizen, Inc., as *amicus curiae* urging affirmance.

ment must be met. Ordinarily, "the matter in controversy [must] excee[d] the sum or value of $75,000." § 1332(a). In class actions for which the requirement of diversity of citizenship is relaxed, § 1332(d)(2)(A)–(C), "the matter in controversy [must] excee[d] the sum or value of $5,000,000," § 1332(d)(2). If the plaintiff's complaint, filed in state court, demands monetary relief of a stated sum, that sum, if asserted in good faith, is "deemed to be the amount in controversy." § 1446(c)(2). When the plaintiff's complaint does not state the amount in controversy, the defendant's notice of removal may do so. § 1446(c)(2)(A).

To assert the amount in controversy adequately in the removal notice, does it suffice to allege the requisite amount plausibly, or must the defendant incorporate into the notice of removal evidence supporting the allegation? That is the single question argued here and below by the parties and the issue on which we granted review. The answer, we hold, is supplied by the removal statute itself. A statement "short and plain" need not contain evidentiary submissions.

I

Brandon W. Owens, plaintiff below and respondent here, filed a putative class action in Kansas state court alleging that defendants Dart Cherokee Basin Operating Company, LLC, and Cherokee Basin Pipeline, LLC (collectively, Dart), underpaid royalties owed to putative class members under certain oil and gas leases. The complaint sought "a fair and reasonable amount" to compensate putative class members for "damages" they sustained due to the alleged underpayments. App. to Pet. for Cert. 34a, 35a.

Invoking federal jurisdiction under the Class Action Fairness Act of 2005 (CAFA), Dart removed the case to the U. S. District Court for the District of Kansas. CAFA gives federal courts jurisdiction over certain class actions, defined in § 1332(d)(1), if the class has more than 100 members, the par-

ties are minimally diverse, and the amount in controversy exceeds $5 million. § 1332(d)(2), (5)(B); see *Standard Fire Ins. Co.* v. *Knowles*, 568 U. S. 588, 592 (2013). Dart's notice of removal alleged that all three requirements were satisfied. With respect to the amount in controversy, Dart stated that the purported underpayments to putative class members totaled more than $8.2 million.

Owens moved to remand the case to state court. The notice of removal was "deficient as a matter of law," Owens asserted, because it included "no evidence" proving that the amount in controversy exceeded $5 million. App. to Pet. for Cert. 46a, 53a. In response, Dart submitted a declaration by one of its executive officers. The declaration included a detailed damages calculation indicating that the amount in controversy, *sans* interest, exceeded $11 million. Without challenging Dart's calculation, Owens urged that Dart's amount-in-controversy submission came too late. "[The] legally deficient [notice of removal]," Owens maintained, could not be cured by "post-removal evidence about the amount in controversy." *Id.*, at 100a.

Reading Tenth Circuit precedent to require proof of the amount in controversy in the notice of removal itself, the District Court granted Owens' remand motion. Dart's declaration, the District Court held, could not serve to keep the case in federal court. The Tenth Circuit, as the District Court read Circuit precedent, "has consistently held that reference to factual allegations or evidence outside of the petition and notice of removal is not permitted to determine the amount in controversy." *Id.*, at 26a, and n. 37 (citing *Laughlin* v. *Kmart Corp.*, 50 F. 3d 871, 873 (1995); *Martin* v. *Franklin Capital Corp.*, 251 F. 3d 1284, 1291, n. 4 (2001); *Oklahoma Farm Bureau Mut. Ins. Co.* v. *JSSJ Corp.*, 149 Fed. Appx. 775 (2005)).

Ordinarily, remand orders "[are] not reviewable on appeal or otherwise." § 1447(d). There is an exception, however,

for cases invoking CAFA. § 1453(c)(1). In such cases, "a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand." *Ibid.* Citing this exception, Dart petitioned the Tenth Circuit for permission to appeal. "Upon careful consideration of the parties' submissions, as well as the applicable law," the Tenth Circuit panel, dividing two to one, denied review. App. to Pet. for Cert. 13a–14a.

An evenly divided court denied Dart's petition for en banc review. Dissenting from the denial of rehearing en banc, Judge Hartz observed that the Tenth Circuit "[had] let stand a district-court decision that will in effect impose in this circuit requirements for notices of removal that are even more onerous than the code pleading requirements that . . . federal courts abandoned long ago." 730 F. 3d 1234 (2013). The Tenth Circuit was dutybound to grant Dart's petition for rehearing en banc, Judge Hartz urged, because the opportunity "to correct the law in our circuit" likely would not arise again. *Id.*, at 1235. Henceforth, Judge Hartz explained, "any diligent attorney . . . would submit to the evidentiary burden rather than take a chance on remand to state court." *Ibid.*

Dart filed a petition for certiorari in this Court requesting resolution of the following question: "Whether a defendant seeking removal to federal court is required to include evidence supporting federal jurisdiction in the notice of removal, or is alleging the required 'short and plain statement of the grounds for removal' enough?" Pet. for Cert. i. Owens' brief in opposition raised no impediment to this Court's review. (Nor, later, did Owens' merits brief suggest any barrier to our consideration of Dart's petition.) We granted certiorari to resolve a division among the Circuits on the question presented. 572 U. S. 1045 (2014). Compare *Ellenburg* v. *Spartan Motors Chassis, Inc.*, 519 F. 3d 192, 200 (CA4 2008) (a removing party's notice of removal need not "meet a higher pleading standard than the one imposed on a plaintiff in drafting an initial complaint"), and *Spivey* v.

Vertrue, Inc., 528 F. 3d 982, 986 (CA7 2008) (similar), with *Laughlin*, 50 F. 3d, at 873 ("the requisite amount in controversy . . . must be affirmatively established on the face of either the petition or the removal notice").

II

As noted above, a defendant seeking to remove a case to a federal court must file in the federal forum a notice of removal "containing a short and plain statement of the grounds for removal." § 1446(a). By design, § 1446(a) tracks the general pleading requirement stated in Rule 8(a) of the Federal Rules of Civil Procedure. See 14C C. Wright, A. Miller, E. Cooper, & J. Steinman, Federal Practice and Procedure § 3733, pp. 639–641 (4th ed. 2009) ("Section 1446(a) requires only that the grounds for removal be stated in 'a short and plain statement'—terms borrowed from the pleading requirement set forth in Federal Rule of Civil Procedure 8(a)."). The legislative history of § 1446(a) is corroborative. Congress, by borrowing the familiar "short and plain statement" standard from Rule 8(a), intended to "simplify the 'pleading' requirements for removal" and to clarify that courts should "apply the same liberal rules [to removal allegations] that are applied to other matters of pleading." H. R. Rep. No. 100–889, p. 71 (1988). See also *ibid.* (disapproving decisions requiring "detailed pleading").

When a plaintiff invokes federal-court jurisdiction, the plaintiff's amount-in-controversy allegation is accepted if made in good faith. See, *e. g.*, *Mt. Healthy City Bd. of Ed.* v. *Doyle*, 429 U. S. 274, 276 (1977) ("'[T]he sum claimed by the plaintiff controls if the claim is apparently made in good faith.'" (quoting *St. Paul Mercury Indemnity Co.* v. *Red Cab Co.*, 303 U. S. 283, 288 (1938); alteration in original)). Similarly, when a defendant seeks federal-court adjudication, the defendant's amount-in-controversy allegation should be accepted when not contested by the plaintiff or questioned by the court. Indeed, the Tenth Circuit, although not disturb-

ing prior decisions demanding proof together with the removal notice, recognized that it was anomalous to treat commencing plaintiffs and removing defendants differently with regard to the amount in controversy. See *McPhail* v. *Deere & Co.*, 529 F. 3d 947, 953 (2008) (requiring proof by defendant but not by plaintiff "bears no evident logical relationship either to the purpose of diversity jurisdiction, or to the principle that those who seek to invoke federal jurisdiction must establish its prerequisites").

If the plaintiff contests the defendant's allegation, § 1446(c)(2)(B) instructs: "[R]emoval . . . is proper on the basis of an amount in controversy asserted" by the defendant "if the district court finds, by the preponderance of the evidence, that the amount in controversy exceeds" the jurisdictional threshold.[1] This provision, added to § 1446 as part of the Federal Courts Jurisdiction and Venue Clarification Act of 2011 (JVCA), clarifies the procedure in order when a defendant's assertion of the amount in controversy is challenged. In such a case, both sides submit proof and the court decides, by a preponderance of the evidence, whether the amount-in-controversy requirement has been satisfied. As the House Judiciary Committee Report on the JVCA observed:

> "[D]efendants do not need to prove to a legal certainty that the amount in controversy requirement has been

[1] Section 1446(c)(2) applies to removals "sought on the basis of the jurisdiction conferred by *section 1332(a)*," and § 1446(c)(2)(B) provides that "removal of the action is proper . . . [if] the amount in controversy exceeds the [in excess of $75,000] amount specified in *section 1332(a)*." (Emphasis added.) We assume, without deciding, a point the parties do not dispute: Sections 1446(c)(2) and 1446(c)(2)(B) apply to cases removed under § 1332(d)(2), and removal is proper if the amount in controversy exceeds $5 million, the amount specified in § 1332(d)(2). See *Frederick* v. *Hartford Underwriters Ins. Co.*, 683 F. 3d 1242, 1247 (CA10 2012) ("[T]here is no logical reason why we should demand more from a CAFA defendant than other parties invoking federal jurisdiction." (internal quotation marks omitted)).

> met. Rather, defendants may simply allege or assert that the jurisdictional threshold has been met. Discovery may be taken with regard to that question. In case of a dispute, the district court must make findings of jurisdictional fact to which the preponderance standard applies." H. R. Rep. No. 112–10, p. 16 (2011).

Of course, a dispute about a defendant's jurisdictional allegations cannot arise until *after* the defendant files a notice of removal containing those allegations. Brief for Dart 14.

In remanding the case to state court, the District Court relied, in part, on a purported "presumption" against removal. App. to Pet. for Cert. 28a. See, *e. g.*, *Laughlin*, 50 F. 3d, at 873 ("[T]here is a presumption against removal jurisdiction."). We need not here decide whether such a presumption is proper in mine-run diversity cases. It suffices to point out that no antiremoval presumption attends cases invoking CAFA, which Congress enacted to facilitate adjudication of certain class actions in federal court. See *Standard Fire Ins. Co.*, 568 U. S., at 595 ("CAFA's primary objective" is to "ensur[e] 'Federal court consideration of interstate cases of national importance.' " (quoting § 2(b)(2), 119 Stat. 5)); S. Rep. No. 109–14, p. 43 (2005) (CAFA's "provisions should be read broadly, with a strong preference that interstate class actions should be heard in a federal court if properly removed by any defendant.").

In sum, as specified in § 1446(a), a defendant's notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold. Evidence establishing the amount is required by § 1446(c)(2)(B) only when the plaintiff contests, or the court questions, the defendant's allegation.

III

As in *Standard Fire Ins. Co.*, 568 U. S., at 591–592, we granted review in this case after the Court of Appeals declined to hear an appeal from a remand order. Neither

party in that case or in this one questioned our review authority under 28 U. S. C. § 1254(1) ("Cases in the courts of appeals may be reviewed . . . [b]y writ of certiorari upon the petition of any party . . . before or after rendition of judgment.").[2] An *amicus* brief filed in support of Owens by Public Citizen, Inc., however, raised a jurisdictional impediment.

Section 1453(c)(1), Public Citizen noted, provides that "a court of appeals *may accept* an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed." (Emphasis added.) Because court of appeals review of a remand order is discretionary, see *supra*, at 86, and the Tenth Circuit exercised its discretion to deny review, Public Citizen urged, "[b]oth parties ask this Court to decide an issue that is not properly before it," Brief for Public Citizen 6. "Absent grounds for reversing the court of appeals' decision to deny permission to appeal," Public Citizen asserted, "the merits of the district court's decision are not before any appellate court, including this one." *Ibid.*

Satisfied that there are indeed "grounds for reversing the [Tenth Circuit's] decision to deny permission to appeal," we find no jurisdictional barrier to our settlement of the question presented. The case was "in" the Court of Appeals because of Dart's leave-to-appeal application, and we have jurisdiction to review what the Court of Appeals did with that application. See 28 U. S. C. § 1254; *Hohn* v. *United States*, 524 U. S. 236, 248 (1998). Owens, we reiterate, did not contest the scope of our review.

Discretion to review a remand order is not rudderless. See *Highmark Inc.* v. *Allcare Health Management System, Inc.*, 572 U. S. 559, 563 (2014) ("matters of discretion are reviewable for abuse of discretion" (internal quotation marks

[2] Today's dissenters joined the opinion in *Standard Fire Ins. Co.* v. *Knowles*, 568 U. S. 588 (2013), without suggesting any lack of jurisdiction to reach the merits.

omitted)). A court "would necessarily abuse its discretion if it based its ruling on an erroneous view of the law." *Cooter & Gell* v. *Hartmarx Corp.*, 496 U. S. 384, 405 (1990). This case fits that bill.[3]

There are many signals that the Tenth Circuit relied on the legally erroneous premise that the District Court's decision was correct. In an earlier case, the Tenth Circuit, following the First Circuit's lead, stated considerations that it regards as relevant to the intelligent exercise of discretion under § 1453(c)(1). *BP America, Inc.* v. *Oklahoma ex rel. Edmondson*, 613 F. 3d 1029, 1034–1035 (2010) (adopting factors set out in *College of Dental Surgeons of Puerto Rico* v. *Connecticut Gen. Life Ins. Co.*, 585 F. 3d 33, 38–39 (CA1 2009)).[4] When the CAFA-related question presented in an appeal from a remand order is "important, unsettled, and recurrent," the First Circuit instructed, a court of appeals should inquire: "Absent an interlocutory appeal, [will the question] in all probability escape meaningful appellate review." *Id.*, at 39. Or, as phrased by the Tenth Circuit, if a district court's remand order remains undisturbed, will the case "leave the ambit of the federal courts for good, precluding any other opportunity for [the defendant] to vindicate its claimed legal entitlement [under CAFA] . . . to have a federal tribunal adjudicate the merits." *BP America*, 613 F. 3d, at 1035. See also *Coffey* v. *Freeport McMoran Copper & Gold*, 581 F. 3d 1240, 1247 (CA10 2009) (noting that "the purpose of § 1453(c)(1) is to develop a body of appellate law interpreting CAFA" (brackets and internal quotation marks omitted)).

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[3] JUSTICE SCALIA's dissent (hereafter dissent) faults Dart for asserting, late in the day, that the Tenth Circuit abused its discretion, observing that Dart did so only in its reply brief. *Post*, at 101. But Public Citizen teed up that issue *after* the parties filed their merits briefs. In view of this Court's decision in *Standard Fire Ins. Co.*, 568 U. S. 588, see *supra*, at 89–90, the parties had no cause to address the matter earlier.

[4] Neither court stated the listed considerations as an inflexible test. We have no occasion in this case to review each of the factors identified by the First and Tenth Circuits.

Thus, the Tenth Circuit's own guide weighed heavily in favor of accepting Dart's appeal. That the Court of Appeals, instead, rejected Dart's appeal strongly suggests that the panel thought the District Court got it right in requiring proof of the amount in controversy in the removal notice.

In practical effect, the Court of Appeals' denial of review established the law not simply for this case, but for future CAFA removals sought by defendants in the Tenth Circuit. The likelihood is slim that a later case will arise in which the Tenth Circuit will face a plea to retract the rule that both Owens and the District Court ascribed to decisions of the Court of Appeals: Defendants seeking to remove under CAFA must be sent back to state court unless they submit with the notice of removal evidence proving the alleged amount in controversy. See *supra*, at 85. On this point, Judge Hartz's observation, dissenting from the Tenth Circuit's denial of rehearing en banc, see *supra*, at 86, bears recounting in full:

> "After today's decision any diligent attorney (and one can assume that an attorney representing a defendant in a case involving at least $5 million—the threshold for removal under CAFA—would have substantial incentive to be diligent) would submit to the evidentiary burden rather than take a chance on remand to state court." 730 F. 3d, at 1235.

With no responsible attorney likely to renew the fray, Judge Hartz anticipated, "the issue will not arise again." *Ibid.* Consequently, the law applied by the District Court—demanding that the notice of removal contain evidence documenting the amount in controversy—will be frozen in place for all venues within the Tenth Circuit.[5]

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[5] The dissent suggests that the Tenth Circuit may have another opportunity to set Circuit precedent straight: A lawyer may be irresponsible or fail to learn from Dart's experience; or perhaps a lawyer will put in evidence the district court deems insufficient, and then have a go at arguing

Recall that the Court of Appeals denied Dart's petition for review "[u]pon careful consideration of the parties' submissions, as well as the applicable law." App. to Pet. for Cert. 13a. What did the parties submit to the Tenth Circuit? Their presentations urged conflicting views on whether a removing defendant must tender prima facie proof of the amount in controversy as part of the removal notice. And what was "the applicable law" other than the rule recited by the Tenth Circuit in *Laughlin* and follow-on decisions, *i. e.*, to remove successfully, a defendant must present with the notice of removal evidence proving the amount in controversy.[6]

From all signals one can discern then, the Tenth Circuit's denial of Dart's request for review of the remand order was infected by legal error. The District Court erred in ruling that Dart's amount-in-controversy allegation failed for want of proof, but that error was driven by the District Court's conscientious endeavor to follow Circuit precedent. The parties trained their arguments in the Tenth Circuit, as they

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that the evidence was sufficient and, in any event, "no evidence is required at all." *Post*, at 101. That such a case will occur, and that the Tenth Circuit would then seize the very opportunity it passed up in Dart's case, is hardly probable.

[6] The dissent posits that "the applicable law" might have been something other than the law governing the parties' submissions. *Post*, at 98, 99. That is a strained reading of the Tenth Circuit's expression. Perhaps the Tenth Circuit found this case a "poor vehicle," the dissent suggests, *post*, at 97, but no potential vehicle concerns were urged by Owens, and the dissent identifies none. Or the Tenth Circuit might have doubted its "ability to quickly resolve the issue" within the 60-day time limit provided in § 1453(c)(2)–(3). *Ibid.*; see also *post*, at 99. Section 1453(c)'s timing provision, however, was designed to promote expedition, not to discourage courts of appeals from acting on petitions for appeal. As a third "maybe," the dissent observes that proof of the amount in controversy in removal notices is not "a question unique to [CAFA]." *Post*, at 98. True, the Tenth Circuit demands such proof in ordinary diversity cases. See *Laughlin* v. *Kmart Corp.*, 50 F. 3d 871, 873 (1995). But that does not make the imposition one whit less in CAFA cases.

did here, on the question whether Dart could successfully remove without detailing in the removal notice evidence of the amount in controversy. See Tr. of Oral Arg. 47 (acknowledgment by Owens' counsel that "the issues . . . provided to . . . the Tenth Circuit were very similar to what you see in this Court, with the exception of [the question raised by Public Citizen] whether this Court has jurisdiction"). Dissenting from the denial of rehearing en banc, Judge Hartz explained at length why the Tenth Circuit "owe[d] a duty to the bench and bar" to correct the District Court's misperception and to state as the Circuit's law: "[A] defendant seeking removal under CAFA need only allege the jurisdictional amount in its notice of removal and must prove that amount only if the plaintiff challenges the allegation." 730 F. 3d, at 1234, 1238. In this regard, we note, the Tenth Circuit has cautioned against casual rulings on applications like Dart's. "The decision whether to grant leave to appeal" under § 1453(c), the Tenth Circuit stressed, calls for the exercise of the reviewing court's correctly "*informed* discretion." *BP America*, 613 F. 3d, at 1035 (emphasis added); see *supra*, at 91.

Recall, moreover, that Owens never suggested in his written submissions to this Court that anything other than the question presented accounts for the Court of Appeals' disposition. If Owens believed that the Tenth Circuit's denial of leave to appeal rested on some other ground, he might have said so in his brief in opposition or, at least, in his merits brief. See this Court's Rule 15.2; *Granite Rock Co.* v. *Teamsters*, 561 U. S. 287, 306 (2010). He said nothing of that order, for he, like Dart, anticipated that the question presented was ripe for this Court's resolution.

In the above-described circumstances, we find it an abuse of discretion for the Tenth Circuit to deny Dart's request for review. Doing so froze the governing rule in the Circuit for this case and future CAFA removal notices, with no

opportunity for defendants in Dart's position responsibly to resist making the evidentiary submission. That situation would be bizarre for a decisionmaker who did not think that the amount in controversy in diversity cases is a matter a removal notice must demonstrate by evidence, not merely credibly allege.[7] And if the Circuit precedent on which the District Court relied misstated the law, as we hold it did, then the District Court's order remanding this case to the state court is fatally infected by legal error.

Careful inspection thus reveals that the two issues Public Citizen invites us to separate—whether the Tenth Circuit abused its discretion in denying review, and whether the District Court's remand order was erroneous—do not pose genuinely discrete questions. Instead, resolution of both issues depends on the answer to the very same question: What must the removal notice contain? If the notice need not contain evidence, the Tenth Circuit abused its discretion in effectively making the opposing view the law of the Circuit. By the same token, the District Court erred in remanding the case for want of an evidentiary submission in the removal notice. We no doubt have authority to review for abuse of discretion the Tenth Circuit's denial of Dart's appeal from the District Court's remand order, see *supra,* at 90–91, and in doing so, to correct the erroneous view of the law the Tenth

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[7] Caution is in order when attributing a basis to an unreasoned decision. But we have not insisted upon absolute certainty when that basis is fairly inferred from the record. See *Taylor* v. *McKeithen*, 407 U. S. 191, 193, n. 2 (1972) (*per curiam*) (rejecting "possible, but unlikely" basis for unreasoned decision); *Nixon* v. *Fitzgerald*, 457 U. S. 731, 742–743 (1982) (facing an unreasoned Court of Appeals decision, we projected what the Court of Appeals "appears to have" reasoned); Tr. of Oral Arg. 18–19 (observing that an appellate court often assumes that a first instance court based its unexplained discretionary decision on the ground the prevailing party presented).

Circuit's decision fastened on district courts within the Circuit's domain.[8]

* * *

For the reasons stated, the judgment of the U. S. Court of Appeals for the Tenth Circuit is vacated, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

JUSTICE SCALIA, with whom JUSTICE KENNEDY and JUSTICE KAGAN join, and with whom JUSTICE THOMAS joins as to all but the final sentence, dissenting.

When Dart removed this class action to federal court, it was required to file a "notice of removal" containing "a short and plain statement of the grounds for removal." 28 U. S. C. § 1446(a). In accordance with what it thought to be Tenth Circuit jurisprudence, the District Court interpreted this to require evidence (as opposed to mere allegations) supporting federal jurisdiction. After finding that Dart's notice of removal did not include evidence of the jurisdictionally required amount in controversy, the District Court remanded the case to state court. App. to Pet. for Cert. 25a–28a. Dart sought permission to appeal this order under § 1453(c)(1), which provides that "a court of appeals *may* accept an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed" (emphasis added). Without stating its reasons, the Tenth Circuit issued an order denying Dart's request. App. to Pet. for Cert. 13a.

Eager to correct what we suspected was the District Court's (and the Tenth Circuit's) erroneous interpretation of § 1446(a), we granted certiorari to decide whether notices of removal must contain evidence supporting federal jurisdic-

[8] Our disposition does not preclude the Tenth Circuit from asserting and explaining on remand that a permissible ground underlies its decision to decline Dart's appeal.

tion. After briefing we discovered a little snag: This case does not present that question. Because we are reviewing the *Tenth Circuit's* judgment, the only question before us is whether the Tenth Circuit abused its discretion in denying Dart permission to appeal the District Court's remand order. Once we found out that the issue presented differed from the issue we granted certiorari to review, the responsible course would have been to confess error and to dismiss the case as improvidently granted.

The Court, however, insists on deciding whether the District Court erred in remanding this case to state court. How can it do that, one might ask, when the only issue in this case concerns the propriety of the Tenth Circuit's rejection of Dart's appeal? The Court hits upon a solution: It concludes that the Tenth Circuit decided not to hear the appeal *because it agreed with the District Court's analysis*. Attributing the District Court's reasoning to the Tenth Circuit allows the Court to pretend to review the appellate court's exercise of discretion while actually reviewing the trial court's legal analysis.

There are problems with this approach that are, in a rational world, insuperable. To begin with, the Tenth Circuit's short order does not tell us why it decided not to hear Dart's appeal. It *might* have done so for an impermissible reason—for example, agreement with the District Court's legal reasoning. But it might instead have done so for countless other, permissible, reasons—for example, a concern that this would be a poor vehicle for deciding the issue presented by Dart's appeal, or a concern regarding the court's ability to quickly resolve the issue, see § 1453(c)(2)–(3) (providing that appeals accepted under § 1453(c)(1) must be decided within 60 days, absent consent of the parties, with a 10-day extension for "good cause shown and in the interests of justice").

Not long ago we held, unanimously, that "[a]n appellate court should not presume that a district court intended an

incorrect legal result when the order is equally susceptible of a correct reading, particularly when the applicable standard of review is deferential." *Sprint/United Management Co.* v. *Mendelsohn*, 552 U. S. 379, 386 (2008). There, we corrected the Tenth Circuit for doing precisely what the Court itself does today in reviewing (deferentially) the Tenth Circuit's denial of permission to appeal: presuming that the lower court adopted a legally erroneous argument advanced by one party. *Id.*, at 384–385. We explained to the Tenth Circuit that "it would be inappropriate for the reviewing court to assume, absent indication *in the District Court's opinion*, that the lower court adopted a party's incorrect argument." *Id.*, at 385, n. 2 (emphasis added). Today, however, this Court blatantly violates that rule.

The only "indication in the opinion" that the Court relies on is the following language from the order denying permission to appeal: "Upon careful consideration of [1] the parties' submissions, as well as [2] the applicable law, the Petition [for permission to appeal the remand order] is denied." App. to Pet. for Cert. 13a–14a. This, the Court tells us, means the Tenth Circuit *must have denied Dart's petition because it agreed with the District Court's legal conclusion*. Of course it means no such thing.

As for point [1], c*onsidering* a submission is not the same thing as *agreeing* with that submission. Worse still, correctness of the District Court's opinion was not the only ground that Owens' brief in the Tenth Circuit urged to support denial of the petition for review. It noted, for example, that the case addressed the general removal statute, § 1446(a), and so did not involve a question unique to the Class Action Fairness Act of 2005 (CAFA). Response to Petition for Permission to Appeal in No. 13–603, p. 3. (The Tenth Circuit considers "the presence of an important CAFA-related question" a reason to accept an appeal. *BP America, Inc.* v. *Oklahoma ex rel. Edmonson*, 613 F. 3d 1029, 1034 (2010) (internal quotation marks omitted).)

As for point [2], there is no reason whatever to believe that the only "applicable law" the Tenth Circuit considered and relied on was the law relating to the correctness of the District Court's decision—*i. e.*, the law interpreting § 1446(a). After all, the "applicable law" surely includes the law applicable to the disposition of petitions to appeal, § 1453(c)(1), and that body of law includes countless reasons to deny permission to appeal that are unrelated to the merits of the underlying district court judgment. "Applicable law" would allow the Tenth Circuit, for example, to deny permission to appeal for reasons not mentioned in the parties' briefing. It would allow it to deny permission because it would be unable to resolve the issue within 60 days, as required by CAFA (absent an extension). § 1453(c)(2) and (c)(3); see also 730 F. 3d 1234, 1238 (Hartz, J., dissenting from denial of rehearing en banc) ("It will always be tempting for very busy judges to deny review of a knotty matter that requires a decision in short order"). And "applicable law" would permit numerous other grounds for denial, including those applied by this Court in denying petitions for certiorari. There is, to tell the truth, absolutely nothing in the Tenth Circuit's order to suggest that it relied on the unlawful ground that the Court eagerly attributes to it, rather than one of many possible lawful grounds. Thus, as we said in *Mendelsohn*, "it would be inappropriate for the reviewing court [us] to assume . . . that the lower court adopted a party's incorrect argument." 552 U. S., at 385, n. 2.

Besides relying on the utterly uninformative language of the order, the Court makes one other attempt to demonstrate that the Tenth Circuit's order was based upon its agreement with the holding of the District Court. It asserts that denying Dart permission to appeal "froz[e] in place" the District Court's rule. *Ante*, at 92. In light of that denial, the Court says, any "responsible attorney" will include evidence supporting jurisdiction in his notice of removal, thereby eliminating the risk of having that notice held

improper for the reason given by the District Court in this case. As a result, the Tenth Circuit will likely never again be presented with the question whether evidence of jurisdiction must be included with a notice of removal. *Ibid.* The Court then notes that, among the many factors the Tenth Circuit considers in deciding whether to accept an appeal under § 1453(c)(1), is whether the case presents an issue which, if not resolved in that appeal, will "leave the ambit of the federal courts for good." *BP America*, *supra*, at 1035. One would have thought that this factor, if it controlled the Tenth Circuit's denial, means that the Tenth Circuit *did not agree with* the Court's perception that this issue will not likely reappear. The Court, however, says (quite illogically) that it means the Tenth Circuit *must have agreed* with the District Court's incorrect legal analysis. It is hard to imagine a more obvious non sequitur.

And the argument not only tortures logic, it also distorts reality, resting as it does on the premise that henceforth no "responsible attorney" will fail to include evidence supporting federal jurisdiction in a notice of removal. Even discounting the existence of irresponsible attorneys, but see, *e. g.*, *Maples* v. *Thomas*, 565 U. S. 266 (2012), responsible attorneys, and even responsible judges, sometimes make mistakes, see, *e. g.*, 572 U. S. 1045 (2014) (order granting certiorari in this case). Indeed, Dart's own (seemingly responsible) lawyers failed to include evidence supporting federal jurisdiction, despite what they argue is Circuit precedent supporting the District Court's holding. See Tr. of Oral Arg. 12 (counsel for Dart, explaining that the District Court's ruling was supported by Tenth Circuit precedent).

Even in the legal utopia imagined by the Court—a world in which all lawyers are responsible and no lawyers make mistakes—it is easy to imagine ways in which the issue could come back to the circuit court. If, for example, a party appealed a district court decision addressing the sufficiency of the jurisdictional evidence, the Tenth Circuit could accept

the appeal and hold (en banc, if necessary) that no evidence is required at all. In short, it is impossible to credit the suggestion (irrelevant in any case) that the chances of this issue arising again were "slim." *Ante*, at 92.

The Court attempts to bolster its conclusion with an unprincipled and unequal application of the waiver doctrine. Owens, it says, by failing to brief the argument that the Tenth Circuit denied Dart's petition for reasons other than its agreement with the District Court's decision, waived that argument. *Ante*, at 94 (citing this Court's Rule 15.2). Dart, however, never made an argument that would have called for such a response. It never argued that the Tenth Circuit abused its discretion in denying permission to appeal. Aside from one stray assertion on the final page of its reply brief, its briefing focused entirely on whether the *District Court* erred in remanding the case to state court. See, *e. g.*, Brief for Petitioners 9 ("This Court should reverse the district court's order remanding the case to state court"). Rather than hold Dart responsible for failing to argue that the Tenth Circuit abused its discretion, see *Republic of Argentina* v. *NML Capital, Ltd.*, 573 U. S. 134, 140, n. 2 (2014) ("We will not revive a forfeited argument simply because the petitioner gestures toward it in its reply brief"), the Court makes the argument on Dart's behalf and then takes Owens to task for failing to refute it. This Court ought not embrace such an oddhanded application of waiver principles.

The Court answers that Dart "had no cause to address" whether the Tenth Circuit abused its discretion until the issue was raised in Public Citizen's *amicus* brief. *Ante*, at 91, n. 3. Not good enough. First, parties always have "cause to address" issues on which their entitlement to relief depends. Second, and more important, Public Citizen filed its *amicus* brief after *both sides* had already filed their merits briefs. So if the timing of that brief excuses Dart's failure to address whether the Tenth Circuit abused its discretion, it should excuse Owens' failure as well.

I come, finally, to the Court's stinging observation that I joined the majority opinion in *Standard Fire Ins. Co.* v. *Knowles*, 568 U. S. 588 (2013)—a case that arose in the same posture as this one, but that was resolved without reference to the question whether the appellate court abused its discretion. *Ante*, at 90, n. 2. Of course *Knowles* did not address whether denials of permission to appeal under § 1453(c)(1) are to be reviewed for abuse of discretion—which is why today's majority cannot cite it as precedent. See *Brecht* v. *Abrahamson*, 507 U. S. 619, 630–631 (1993). As for my own culpability in overlooking the issue, I must accept that and will take it with me to the grave. But its irrelevance to my vote in the present case has been well expressed by Justice Jackson, in a passage quoted by the author of today's opinion: "I see no reason why I should be consciously wrong today because I was unconsciously wrong yesterday." *Massachusetts* v. *United States*, 333 U. S. 611, 639–640 (1948) (dissenting opinion), quoted in *Burwell* v. *Hobby Lobby Stores, Inc.*, 573 U. S. 682, 750, n. 11 (2014) (GINSBURG, J., dissenting).

* * *

Instead of correcting an erroneous district court opinion at the expense of an erroneous Supreme Court opinion, I would have dismissed this case as improvidently granted. Failing that, my vote is to affirm the Court of Appeals, since we have absolutely no basis for concluding that it abused its discretion.

JUSTICE THOMAS, dissenting.

I agree with JUSTICE SCALIA that the merits of the District Court's decision are not properly before the Court. I write only to point out another, more fundamental, defect in the Court's disposition: We lack jurisdiction to review even the Court of Appeals' denial of permission to appeal.

Congress has granted this Court jurisdiction to review "[c]ases in the courts of appeals" by writ of certiorari. 28 U. S. C. § 1254. Purporting to act pursuant to this grant of jurisdiction, the majority today reviews the decision of the Court of Appeals to deny an application for permission to appeal a remand order. But such an application is not a case: It "'does not assert a grievance against anyone, does not seek remedy or redress for any legal injury, and does not even require a "party" on the other side.'" *Miller-El* v. *Cockrell*, 537 U. S. 322, 355 (2003) (THOMAS, J., dissenting) (quoting *Hohn* v. *United States*, 524 U. S. 236, 256 (1998) (SCALIA, J., dissenting)).

To justify its action here, the majority quietly extends an opinion of this Court holding that applications for certificates of appealability (COAs) in the federal habeas context are "cases." *Hohn*, *supra*. *Hohn* was wrongly decided, and the majority's uncritical extension of its holding only compounds the error. *Hohn* rests tenuously on the conclusion that the determination that must be made on an application for a COA is more like a threshold determination than a separate judicial proceeding. See *id.*, at 246–248. The basis for that conclusion, if any exists, must rest on features unique to the COA: "The COA determination . . . *requires* an overview of the claims in the habeas petition and a general assessment of their merits." *Miller-El*, *supra*, at 336 (emphasis added). The best argument one could make in favor of *Hohn* is that, because a court's decision on an application for a COA turns on the strength of the applicant's grievance and his entitlement to relief, the application absorbs the case-like qualities of the underlying merits case. See *Hohn*, *supra*, at 248.

No such osmosis could transform an application for permission to appeal a remand order into a "case." As JUSTICE SCALIA explains, the decision whether to permit such an appeal requires no assessment of the merits of a remand order.

See *ante*, at 97 (dissenting opinion). The application here is nothing more than a request for discretionary permission to seek review. See *Miller-El*, *supra*, at 355 (THOMAS, J., dissenting). The Tenth Circuit having denied that permission, no "case" ever arrived "in the court of appeals." I would dismiss for lack of jurisdiction.

UNITED STATES *v.* CALIFORNIA

ON BILL IN EQUITY

No. 5, Orig. Decided June 23, 1947—Order and decree entered October 27, 1947—Decided May 17, 1965—Supplemental decree entered January 31, 1966—Second supplemental decree entered June 13, 1977—Decided May 15, 1978—Third supplemental decree entered November 27, 1978—Decided June 9, 1980—Fourth supplemental decree entered January 19, 1981—Fifth supplemental decree entered December 15, 2014

Fifth supplemental decree entered.

Opinion reported: 332 U. S. 19; order and decree reported: 332 U. S. 804; opinion reported: 381 U. S. 139; supplemental decree reported: 382 U. S. 448; second supplemental decree reported: 432 U. S. 40; opinion reported: 436 U. S. 32; third supplemental decree reported: 439 U. S. 30; opinion reported: 447 U. S. 1; fourth supplemental decree reported: 449 U. S. 408.

The joint motion for entry of a supplemental decree is granted.

FIFTH SUPPLEMENTAL DECREE

On October 27, 1947, this Court entered a final decree addressing the entitlement of the United States and the State of California to lands, minerals, and other natural resources underlying the Pacific Ocean offshore of California. *United States* v. *California*, 332 U. S. 804 (1947) (*per curiam*). On January 31, 1966, this Court entered a supplemental decree redefining the federal-state boundary pursuant to the Submerged Lands Act, 43 U. S. C. §§1301–1315. 382 U. S. 448 (1966) (*per curiam*). Between 1977 and 1981, this Court issued three additional supplemental decrees further delineating particular portions of the federal-state boundary. 432 U. S. 40 (1977); 439 U. S. 30 (1978); 449 U. S. 408 (1981). For the purpose of identifying with greater particularity the boundary line between the submerged lands of California

and those of the United States, it is ordered, adjudged, and decreed as follows:

1. As against the United States, with the exceptions provided by Section 5 of the Submerged Lands Act, 43 U. S. C. §1313, the State of California is entitled to all lands, minerals, and other natural resources underlying the Pacific Ocean, bounded on the south by the international boundary with the United Mexican States and on the north by the boundary between the States of California and Oregon and an extension thereof, that lie landward of the lines described in paragraph 3 below.

2. As against the State of California, the United States is entitled to all lands, minerals, and other natural resources underlying the Pacific Ocean, bounded on the south by the international boundary with the United Mexican States and on the north by the boundary between the States of California and Oregon and an extension thereof, that lie seaward of the lines described in paragraph 3 below.

3. The federal-state boundary lines, referred to in paragraphs 1 and 2 above, are located as follows:

EXHIBIT A

Location of the Fixed Offshore Boundary Between the United States and California That Is Parallel to the Coastline of Mainland California.

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BEGINNING AT	482577.890	3599275.555
BY ARC CENTERED AT	488133.576	3599216.475
TO	482623.800	3599931.673
BY STRAIGHT LINE TO	482614.890	3599955.433
BY ARC CENTERED AT	487607.655	3602392.938

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	482190.149	3601160.149
BY STRAIGHT LINE TO	482057.613	3601742.580
BY ARC CENTERED AT	487475.119	3602975.369
TO	481971.082	3602217.271
BY STRAIGHT LINE TO	481943.171	3602419.914
BY ARC CENTERED AT	487447.208	3603178.012
TO	481894.818	3603378.270
BY STRAIGHT LINE TO	481914.263	3603917.406
BY ARC CENTERED AT	487466.653	3603717.148
TO	481920.114	3604041.242
BY STRAIGHT LINE TO	481923.174	3604093.622
BY ARC CENTERED AT	487277.352	3605577.508
TO	481905.559	3606996.303
BY STRAIGHT LINE TO	481858.994	3607334.978
BY STRAIGHT LINE TO	481788.241	3607715.408
BY STRAIGHT LINE TO	481731.131	3607968.326
BY STRAIGHT LINE TO	481703.033	3608056.988
BY STRAIGHT LINE TO	481618.711	3608304.764
BY STRAIGHT LINE TO	481536.931	3608518.804
BY ARC CENTERED AT	486726.995	3610501.824
TO	481485.415	3608659.279
BY STRAIGHT LINE TO	481449.447	3608761.598
BY STRAIGHT LINE TO	481400.342	3608885.098
BY STRAIGHT LINE TO	481253.973	3609252.905

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	479107.866	3614377.684
TO	480417.557	3608978.254
BY STRAIGHT LINE TO	478593.245	3608535.747
BY ARC CENTERED AT	477283.554	3613935.177
TO	473138.881	3610235.066
BY ARC CENTERED AT	476985.230	3614244.397
TO	471495.327	3613389.938
BY STRAIGHT LINE TO	471474.280	3613525.165
BY ARC CENTERED AT	476964.183	3614379.624
TO	471424.734	3613951.088
BY ARC CENTERED AT	476566.210	3616056.881
TO	471092.107	3615106.443
BY ARC CENTERED AT	476241.559	3617192.655
TO	470944.447	3615516.426
BY STRAIGHT LINE TO	470917.826	3615600.552
BY ARC CENTERED AT	476214.938	3617276.781
TO	470789.262	3616080.462
BY ARC CENTERED AT	476169.820	3617465.646
TO	470726.835	3616350.723
BY ARC CENTERED AT	476048.335	3617947.838
TO	470492.780	3618018.150
BY STRAIGHT LINE TO	470493.196	3618051.035
BY ARC CENTERED AT	476034.957	3618448.555
TO	470479.620	3618534.385

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	475972.092	3619372.172
TO	470420.343	3619154.879
BY ARC CENTERED AT	475945.130	3619742.979
TO	470395.820	3619470.404
BY ARC CENTERED AT	475894.077	3620269.346
TO	470384.686	3619551.188
BY STRAIGHT LINE TO	470371.660	3619651.121
BY ARC CENTERED AT	475791.677	3620872.821
TO	470316.911	3621819.432
BY ARC CENTERED AT	475872.732	3621774.846
TO	470384.442	3622639.608
BY ARC CENTERED AT	475608.548	3624531.130
TO	470426.825	3626535.846
BY ARC CENTERED AT	474840.829	3629910.118
TO	470204.890	3626847.896
BY ARC CENTERED AT	474311.547	3630590.155
TO	469945.048	3627154.631
BY ARC CENTERED AT	474234.304	3630686.121
TO	469520.211	3627745.634
BY ARC CENTERED AT	473897.519	3631167.375
TO	468899.765	3628740.114
BY ARC CENTERED AT	473766.097	3631421.150
TO	468667.640	3629213.238
BY ARC CENTERED AT	473693.200	3631582.391

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	468161.677	3631061.444
BY ARC CENTERED AT	473649.146	3631931.396
TO	468103.932	3631585.369
BY ARC CENTERED AT	473548.994	3632690.101
TO	468000.041	3632410.354
BY ARC CENTERED AT	473543.273	3632786.807
TO	467987.286	3632798.994
BY ARC CENTERED AT	473502.216	3633473.299
TO	468057.897	3634581.690
BY ARC CENTERED AT	473569.866	3633883.594
TO	468595.137	3636357.700
BY ARC CENTERED AT	473803.439	3634423.089
TO	470479.536	3638875.145
BY ARC CENTERED AT	474302.327	3634843.346
TO	470680.292	3639056.421
BY ARC CENTERED AT	476222.626	3639445.869
TO	470667.354	3639535.821
BY STRAIGHT LINE TO	470652.464	3639635.949
BY ARC CENTERED AT	475923.403	3641392.747
TO	470571.866	3639899.366
BY ARC CENTERED AT	475803.284	3641770.569
TO	470371.412	3640602.705
BY ARC CENTERED AT	475796.091	3641803.537
TO	470348.071	3640713.487

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	470286.490	3641021.266
BY ARC CENTERED AT	475734.510	3642111.316
TO	470189.482	3641762.319
BY STRAIGHT LINE TO	470146.992	3642437.421
BY ARC CENTERED AT	475692.020	3642786.418
TO	470145.253	3642466.249
BY STRAIGHT LINE TO	470130.100	3642728.754
BY STRAIGHT LINE TO	470116.441	3642846.530
BY ARC CENTERED AT	475580.902	3643850.923
TO	470105.057	3642910.573
BY STRAIGHT LINE TO	470051.681	3643221.390
BY STRAIGHT LINE TO	469985.548	3643568.435
BY ARC CENTERED AT	475443.335	3644608.481
TO	469980.400	3643595.821
BY STRAIGHT LINE TO	469864.250	3643948.697
BY ARC CENTERED AT	475141.717	3645685.787
TO	469824.222	3644075.387
BY STRAIGHT LINE TO	469722.772	3644410.372
BY ARC CENTERED AT	475040.267	3646020.772
TO	469677.104	3644569.697
BY STRAIGHT LINE TO	469553.127	3645027.915
BY ARC CENTERED AT	474916.290	3646478.990
TO	469420.359	3645664.200
BY STRAIGHT LINE TO	469358.339	3646082.538

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	474854.270	3646897.328
TO	469308.912	3646553.614
BY STRAIGHT LINE TO	469281.865	3646989.985
BY STRAIGHT LINE TO	469273.254	3647060.151
BY ARC CENTERED AT	474664.221	3648404.253
TO	469240.532	3647198.957
BY STRAIGHT LINE TO	469209.132	3647340.254
BY STRAIGHT LINE TO	469197.344	3647377.183
BY ARC CENTERED AT	474490.209	3649066.773
TO	469091.378	3647754.616
BY STRAIGHT LINE TO	469027.946	3648015.605
BY ARC CENTERED AT	474426.777	3649327.762
TO	468902.520	3648734.704
BY STRAIGHT LINE TO	468869.695	3649040.459
BY STRAIGHT LINE TO	468866.033	3649064.963
BY ARC CENTERED AT	473983.824	3651227.682
TO	468561.977	3650014.130
BY ARC CENTERED AT	473932.226	3651438.756
TO	468399.569	3650929.989
BY ARC CENTERED AT	473566.575	3652972.337
TO	468228.097	3651432.926
BY ARC CENTERED AT	473285.325	3653733.704
TO	468112.688	3651705.659
BY STRAIGHT LINE TO	468087.927	3651768.814

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	472484.575	3655165.669
TO	467698.705	3652343.510
BY STRAIGHT LINE TO	467594.665	3652519.943
BY ARC CENTERED AT	472380.535	3655342.102
TO	466952.903	3654154.689
BY STRAIGHT LINE TO	466866.234	3654550.852
BY STRAIGHT LINE TO	466764.580	3655001.925
BY STRAIGHT LINE TO	466391.163	3656172.030
BY ARC CENTERED AT	471471.769	3658420.715
TO	466236.395	3656560.608
BY ARC CENTERED AT	471379.126	3658663.334
TO	466124.397	3656858.628
BY STRAIGHT LINE TO	465993.679	3657239.239
BY STRAIGHT LINE TO	465739.528	3657945.297
BY ARC CENTERED AT	470967.170	3659827.024
TO	465520.988	3658727.824
BY STRAIGHT LINE TO	465380.559	3659423.604
BY STRAIGHT LINE TO	465368.269	3659463.982
BY STRAIGHT LINE TO	465272.296	3659729.901
BY ARC CENTERED AT	470498.352	3661616.029
TO	465247.541	3659799.957
BY STRAIGHT LINE TO	465166.750	3660033.548
BY STRAIGHT LINE TO	465040.001	3660344.120
BY ARC CENTERED AT	470184.099	3662443.499

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	464920.889	3660663.681
BY STRAIGHT LINE TO	464655.800	3661447.592
BY ARC CENTERED AT	469919.010	3663227.410
TO	464654.953	3661450.097
BY STRAIGHT LINE TO	464449.773	3662057.801
BY ARC CENTERED AT	468961.168	3665300.709
TO	464372.914	3662167.490
BY ARC CENTERED AT	468649.982	3665713.731
TO	463684.398	3663221.320
BY STRAIGHT LINE TO	463543.823	3663501.385
BY ARC CENTERED AT	468509.407	3665993.796
TO	463313.754	3664025.464
BY STRAIGHT LINE TO	463308.166	3664040.216
BY ARC CENTERED AT	468229.011	3666619.832
TO	463106.337	3664468.705
BY ARC CENTERED AT	467810.376	3667425.249
TO	462989.145	3664663.933
BY ARC CENTERED AT	467571.737	3667805.427
TO	462826.418	3664915.603
BY STRAIGHT LINE TO	462383.557	3665642.816
BY STRAIGHT LINE TO	462198.393	3665905.288
BY ARC CENTERED AT	466738.362	3669108.070
TO	462038.792	3666144.428
BY STRAIGHT LINE TO	461725.263	3666641.604

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	466424.833	3669605.246
TO	461707.899	3666669.319
BY STRAIGHT LINE TO	461646.277	3666743.964
BY ARC CENTERED AT	465930.917	3670281.053
TO	461353.168	3667132.506
BY STRAIGHT LINE TO	461066.497	3667549.304
BY STRAIGHT LINE TO	460610.716	3668141.954
BY ARC CENTERED AT	465014.910	3671529.020
TO	460558.586	3668210.841
BY STRAIGHT LINE TO	460153.189	3668755.290
BY STRAIGHT LINE TO	459824.638	3669148.229
BY ARC CENTERED AT	464086.989	3672712.145
TO	459816.944	3669157.451
BY ARC CENTERED AT	462385.638	3674084.006
TO	457172.705	3672161.906
BY ARC CENTERED AT	462185.279	3674558.412
TO	456699.603	3673677.224
BY ARC CENTERED AT	461165.870	3676982.007
TO	456646.235	3673750.593
BY STRAIGHT LINE TO	456144.110	3674452.893
BY ARC CENTERED AT	460663.745	3677684.307
TO	456047.710	3674592.163
BY STRAIGHT LINE TO	455529.130	3675366.313
BY ARC CENTERED AT	460145.165	3678458.457

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	455521.948	3675377.062
BY STRAIGHT LINE TO	454947.919	3676238.315
BY ARC CENTERED AT	459571.136	3679319.710
TO	454891.790	3676324.237
BY STRAIGHT LINE TO	454386.091	3677114.209
BY STRAIGHT LINE TO	453570.289	3678276.175
BY STRAIGHT LINE TO	452886.562	3679214.687
BY ARC CENTERED AT	457377.229	3682486.238
TO	452861.431	3679249.464
BY STRAIGHT LINE TO	452212.848	3680154.337
BY STRAIGHT LINE TO	451796.473	3680734.240
BY ARC CENTERED AT	456309.613	3683974.718
TO	451763.263	3680781.000
BY STRAIGHT LINE TO	451637.205	3680960.447
BY STRAIGHT LINE TO	451418.668	3681243.475
BY ARC CENTERED AT	455816.298	3684639.058
TO	451308.057	3681391.767
BY STRAIGHT LINE TO	451046.131	3681755.401
BY STRAIGHT LINE TO	450530.739	3682426.085
BY ARC CENTERED AT	454936.203	3685811.498
TO	450360.882	3682659.424
BY STRAIGHT LINE TO	450335.266	3682696.606
BY STRAIGHT LINE TO	449789.403	3683354.558
BY STRAIGHT LINE TO	449309.279	3683912.128

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	448735.659	3684559.394
BY STRAIGHT LINE TO	448424.349	3684883.618
BY STRAIGHT LINE TO	448263.034	3685044.588
BY STRAIGHT LINE TO	448049.835	3685229.491
BY STRAIGHT LINE TO	447344.169	3685811.996
BY ARC CENTERED AT	450881.106	3690096.761
TO	447264.290	3685879.205
BY STRAIGHT LINE TO	446669.287	3686389.457
BY ARC CENTERED AT	450286.103	3690607.013
TO	446569.131	3686477.454
BY STRAIGHT LINE TO	446110.690	3686890.092
BY STRAIGHT LINE TO	445820.222	3687144.288
BY ARC CENTERED AT	448308.542	3692111.923
TO	445283.059	3687451.924
BY STRAIGHT LINE TO	445277.444	3687455.570
BY ARC CENTERED AT	447692.505	3692459.230
TO	444387.157	3687993.381
BY STRAIGHT LINE TO	444128.186	3688185.055
BY STRAIGHT LINE TO	444119.830	3688190.207
BY ARC CENTERED AT	447035.780	3692919.517
TO	443728.792	3688454.882
BY ARC CENTERED AT	445264.398	3693794.456
TO	443714.161	3688459.111
BY STRAIGHT LINE TO	443532.553	3688511.879

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	445082.790	3693847.224
TO	441512.919	3689589.859
BY ARC CENTERED AT	444755.312	3694101.624
TO	441017.740	3689990.701
BY ARC CENTERED AT	444534.195	3694292.291
TO	440032.759	3691035.573
BY STRAIGHT LINE TO	439943.039	3691159.584
BY ARC CENTERED AT	444444.475	3694416.302
TO	439636.590	3691631.813
BY ARC CENTERED AT	442605.842	3696327.841
TO	438838.990	3692243.730
BY ARC CENTERED AT	442588.629	3696343.650
TO	437609.872	3693877.658
BY ARC CENTERED AT	441134.537	3698172.524
TO	436021.565	3695998.437
BY ARC CENTERED AT	438003.160	3701189.046
TO	435311.987	3696328.313
BY ARC CENTERED AT	435721.345	3701869.212
TO	433976.418	3696594.332
BY ARC CENTERED AT	433673.780	3702142.083
TO	429849.087	3698112.088
BY ARC CENTERED AT	433337.601	3702436.369
TO	428084.409	3700627.194
BY ARC CENTERED AT	433323.171	3702477.738

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	427914.371	3701207.299
BY ARC CENTERED AT	431902.465	3705075.663
TO	427827.015	3701299.442
BY ARC CENTERED AT	431807.930	3705175.194
TO	427168.551	3702118.186
BY ARC CENTERED AT	431628.049	3705432.098
TO	426825.996	3702637.563
BY ARC CENTERED AT	431456.061	3705708.660
TO	426423.507	3703354.400
BY ARC CENTERED AT	430692.511	3706910.345
TO	425965.610	3703990.492
BY ARC CENTERED AT	429337.647	3708406.203
TO	425249.239	3704644.015
BY ARC CENTERED AT	429327.921	3708416.745
TO	424511.989	3705646.197
BY ARC CENTERED AT	427662.649	3710222.492
TO	423252.813	3706842.776
BY ARC CENTERED AT	425243.107	3712030.055
TO	423045.606	3706927.102
BY ARC CENTERED AT	425205.576	3712046.054
TO	421729.857	3707711.482
BY ARC CENTERED AT	423746.027	3712888.759
TO	419131.609	3709794.202
BY ARC CENTERED AT	422564.060	3714163.117

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	419066.390	3709846.239
BY ARC CENTERED AT	422488.221	3714223.476
TO	417927.509	3711050.301
BY ARC CENTERED AT	420764.523	3715827.380
TO	417787.612	3711136.204
BY ARC CENTERED AT	419968.271	3716246.376
TO	417215.131	3711420.471
BY ARC CENTERED AT	418390.740	3716850.672
TO	414335.579	3713052.672
BY ARC CENTERED AT	415406.168	3718504.550
TO	413734.648	3713205.950
BY STRAIGHT LINE TO	413563.012	3713260.096
BY ARC CENTERED AT	413893.309	3718806.269
TO	410954.903	3714090.879
BY STRAIGHT LINE TO	410885.700	3714134.003
BY ARC CENTERED AT	413824.106	3718849.393
TO	409051.141	3716005.462
BY ARC CENTERED AT	411081.903	3721177.033
TO	406620.867	3717865.192
BY ARC CENTERED AT	409698.409	3722490.975
TO	406292.676	3718101.200
BY STRAIGHT LINE TO	405954.273	3718363.745
BY STRAIGHT LINE TO	405569.160	3718647.785
BY ARC CENTERED AT	408867.022	3723119.165

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	405451.775	3718736.788
BY STRAIGHT LINE TO	405121.690	3718994.029
BY STRAIGHT LINE TO	404921.736	3719132.307
BY ARC CENTERED AT	408081.937	3723702.019
TO	404702.408	3719292.039
BY STRAIGHT LINE TO	404224.099	3719658.585
BY ARC CENTERED AT	407114.168	3724403.755
TO	403381.074	3720288.765
BY STRAIGHT LINE TO	403113.721	3720531.306
BY ARC CENTERED AT	406846.815	3724646.296
TO	402939.981	3720695.881
BY STRAIGHT LINE TO	402600.310	3721031.804
BY STRAIGHT LINE TO	402561.881	3721066.404
BY ARC CENTERED AT	405590.059	3725724.652
TO	401488.679	3721976.610
BY ARC CENTERED AT	405176.827	3726131.932
TO	401261.984	3722189.453
BY STRAIGHT LINE TO	400842.441	3722606.055
BY ARC CENTERED AT	404757.284	3726548.534
TO	400599.677	3722862.962
BY STRAIGHT LINE TO	399875.142	3723680.293
BY ARC CENTERED AT	404032.749	3727365.865
TO	399810.096	3723755.001
BY STRAIGHT LINE TO	399258.281	3724400.310

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	403480.934	3728011.174
TO	399016.215	3724704.299
BY STRAIGHT LINE TO	398814.408	3724976.765
BY STRAIGHT LINE TO	398741.537	3725072.370
BY ARC CENTERED AT	403160.298	3728440.409
TO	398678.546	3725156.656
BY STRAIGHT LINE TO	398371.172	3725576.168
BY STRAIGHT LINE TO	397863.322	3726233.270
BY STRAIGHT LINE TO	397558.155	3726570.150
BY STRAIGHT LINE TO	397435.143	3726702.963
BY STRAIGHT LINE TO	397402.959	3726735.868
BY STRAIGHT LINE TO	395242.971	3726506.945
BY ARC CENTERED AT	394657.408	3732032.002
TO	394592.842	3726476.377
BY STRAIGHT LINE TO	390553.760	3726523.318
BY ARC CENTERED AT	390618.326	3732078.943
TO	390484.099	3726524.565
BY STRAIGHT LINE TO	389943.145	3726537.637
BY STRAIGHT LINE TO	389202.423	3726544.350
BY STRAIGHT LINE TO	386572.993	3725558.841
BY ARC CENTERED AT	384623.066	3730761.429
TO	386549.281	3725550.016
BY STRAIGHT LINE TO	385975.417	3725337.907
BY STRAIGHT LINE TO	384686.678	3724848.875

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	382715.515	3730043.454
TO	383364.655	3724525.506
BY STRAIGHT LINE TO	383196.279	3724505.698
BY ARC CENTERED AT	382547.139	3730023.646
TO	381635.108	3724543.013
BY STRAIGHT LINE TO	381509.202	3724563.965
BY ARC CENTERED AT	382421.233	3730044.598
TO	381229.272	3724617.963
BY ARC CENTERED AT	380598.163	3730138.003
TO	380682.698	3724582.646
BY ARC CENTERED AT	380533.778	3730136.650
TO	380311.392	3724585.102
BY ARC CENTERED AT	380326.821	3730141.081
TO	380038.757	3724592.554
BY ARC CENTERED AT	380050.641	3730148.541
TO	377739.547	3725096.019
BY ARC CENTERED AT	380017.102	3730163.748
TO	376670.495	3725728.733
BY ARC CENTERED AT	377956.007	3731133.971
TO	375456.405	3726172.003
BY ARC CENTERED AT	377898.700	3731162.427
TO	374327.581	3726906.109
BY ARC CENTERED AT	376683.991	3731937.656
TO	374156.989	3726989.586

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	376168.767	3732168.571
TO	373556.517	3727264.972
BY ARC CENTERED AT	374828.764	3732673.347
TO	372087.101	3727840.913
BY STRAIGHT LINE TO	372010.957	3727884.113
BY ARC CENTERED AT	374752.620	3732716.547
TO	371417.813	3728272.652
BY ARC CENTERED AT	370519.804	3733755.600
TO	370257.251	3728205.807
BY STRAIGHT LINE TO	370138.668	3728211.417
BY ARC CENTERED AT	370401.221	3733761.210
TO	368458.564	3728555.903
BY ARC CENTERED AT	370180.140	3733838.451
TO	368107.019	3728683.715
BY ARC CENTERED AT	369106.178	3734149.135
TO	367683.902	3728778.263
BY ARC CENTERED AT	369085.148	3734154.660
TO	363568.122	3733497.731
BY ARC CENTERED AT	369084.224	3734162.374
TO	363556.895	3733598.659
BY ARC CENTERED AT	369007.129	3734677.589
TO	363501.421	3733931.723
BY ARC CENTERED AT	368049.507	3737122.969
TO	362773.521	3735381.387

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	367696.203	3737957.496
TO	362430.631	3736184.678
BY STRAIGHT LINE TO	362404.683	3736261.748
BY ARC CENTERED AT	367670.255	3738034.566
TO	362161.242	3738755.616
BY ARC CENTERED AT	367676.322	3738082.541
TO	363130.845	3741277.503
BY ARC CENTERED AT	368059.637	3738713.102
TO	363175.689	3741361.911
BY ARC CENTERED AT	368078.384	3738747.964
TO	363339.162	3741647.777
BY ARC CENTERED AT	368174.276	3738910.842
TO	363788.616	3742321.872
BY STRAIGHT LINE TO	363953.615	3742534.016
BY ARC CENTERED AT	368339.275	3739122.986
TO	364459.336	3743099.820
BY ARC CENTERED AT	368602.630	3739398.165
TO	364587.706	3743238.676
BY ARC CENTERED AT	369379.169	3740426.022
TO	365165.144	3744046.951
BY ARC CENTERED AT	370338.745	3746072.535
TO	365080.126	3744279.196
BY ARC CENTERED AT	370299.638	3746183.358
TO	364764.315	3746662.253

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	364510.233	3747358.852
BY STRAIGHT LINE TO	364373.585	3747717.311
BY STRAIGHT LINE TO	364251.563	3747992.435
BY STRAIGHT LINE TO	364028.009	3748459.530
BY ARC CENTERED AT	369039.598	3750858.095
TO	363897.564	3748753.666
BY STRAIGHT LINE TO	363647.516	3749364.642
BY ARC CENTERED AT	368789.550	3751469.071
TO	363569.652	3749565.968
BY STRAIGHT LINE TO	363292.596	3750325.888
BY STRAIGHT LINE TO	363082.000	3750857.615
BY ARC CENTERED AT	367750.572	3753869.851
TO	362377.308	3752456.640
BY ARC CENTERED AT	367259.312	3755109.029
TO	361996.154	3753329.055
BY ARC CENTERED AT	366597.471	3756443.059
TO	361513.157	3754202.772
BY ARC CENTERED AT	365053.916	3758484.379
TO	361488.450	3754223.324
BY STRAIGHT LINE TO	361338.251	3754349.004
BY ARC CENTERED AT	364903.717	3758610.059
TO	360004.927	3755988.800
BY STRAIGHT LINE TO	359865.387	3756249.582
BY ARC CENTERED AT	364764.177	3758870.841

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	359473.083	3757175.713
BY STRAIGHT LINE TO	359403.773	3757392.054
BY ARC CENTERED AT	364694.867	3759087.182
TO	359254.394	3757960.067
BY ARC CENTERED AT	363610.249	3761409.076
TO	358998.533	3758310.493
BY STRAIGHT LINE TO	358904.054	3758451.109
BY ARC CENTERED AT	363515.770	3761549.692
TO	358602.960	3758954.805
BY ARC CENTERED AT	361364.190	3763776.086
TO	357347.252	3759937.682
BY STRAIGHT LINE TO	356921.172	3760383.580
BY ARC CENTERED AT	360938.110	3764221.984
TO	355908.898	3761860.594
BY ARC CENTERED AT	356400.693	3767394.785
TO	355022.486	3762012.436
BY ARC CENTERED AT	353877.448	3767449.165
TO	354341.105	3761912.545
BY STRAIGHT LINE TO	354204.462	3761901.102
BY ARC CENTERED AT	353740.805	3767437.722
TO	352938.226	3761939.995
BY ARC CENTERED AT	351650.023	3767344.592
TO	352810.734	3761911.187
BY ARC CENTERED AT	351425.507	3767291.734

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	352069.002	3761773.125
BY ARC CENTERED AT	351369.477	3767284.912
TO	350547.429	3761790.062
BY ARC CENTERED AT	351093.742	3767319.138
TO	350279.517	3761823.124
BY ARC CENTERED AT	349821.525	3767360.215
TO	349542.409	3761811.230
BY ARC CENTERED AT	348999.567	3767340.648
TO	348242.319	3761836.494
BY STRAIGHT LINE TO	348140.958	3761850.439
BY ARC CENTERED AT	348898.206	3767354.593
TO	347599.618	3761952.482
BY ARC CENTERED AT	347792.693	3767505.126
TO	347497.336	3761956.982
BY ARC CENTERED AT	344653.684	3766730.113
TO	346785.070	3761599.194
BY ARC CENTERED AT	344636.636	3766722.998
TO	346088.219	3761359.972
BY ARC CENTERED AT	344621.689	3766718.930
TO	345193.948	3761192.479
BY ARC CENTERED AT	344603.956	3766717.065
TO	343645.704	3761244.325
BY ARC CENTERED AT	342578.912	3766696.947
TO	342448.904	3761142.468

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	342450.660	3766698.468
TO	341071.898	3761316.261
BY ARC CENTERED AT	341437.410	3766860.225
TO	340650.746	3761360.198
BY ARC CENTERED AT	341273.824	3766881.150
TO	340373.040	3761398.657
BY ARC CENTERED AT	337897.557	3766372.702
TO	338831.259	3760895.720
BY ARC CENTERED AT	334417.190	3764269.905
TO	336682.761	3759196.807
BY ARC CENTERED AT	333150.169	3763485.155
TO	336361.489	3758951.221
BY ARC CENTERED AT	333077.118	3763432.520
TO	330939.947	3758304.008
BY ARC CENTERED AT	333060.046	3763439.601
TO	328076.995	3760982.298
BY ARC CENTERED AT	332410.508	3764459.337
TO	327920.175	3761187.328
BY STRAIGHT LINE TO	327595.782	3761495.407
BY STRAIGHT LINE TO	327115.401	3761915.287
BY STRAIGHT LINE TO	326942.817	3762062.652
BY ARC CENTERED AT	328118.574	3767492.821
TO	326240.903	3762263.721
BY ARC CENTERED AT	327347.419	3767708.421

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	326229.087	3762266.136
BY ARC CENTERED AT	326423.762	3767818.724
TO	325663.042	3762315.049
BY ARC CENTERED AT	325802.273	3767869.304
TO	324124.118	3762572.802
BY ARC CENTERED AT	325018.345	3768056.368
TO	323364.726	3762752.155
BY ARC CENTERED AT	323906.764	3768281.651
TO	322773.990	3762842.353
BY ARC CENTERED AT	323738.043	3768314.075
TO	322738.278	3762848.766
BY ARC CENTERED AT	323228.789	3768383.071
TO	321653.924	3763054.944
BY ARC CENTERED AT	321221.130	3768594.062
TO	319321.411	3763372.931
BY ARC CENTERED AT	320990.177	3768672.399
TO	319082.631	3763454.123
BY ARC CENTERED AT	319520.611	3768992.833
TO	316282.943	3764477.676
BY ARC CENTERED AT	319444.163	3769046.683
TO	315729.952	3764914.641
BY ARC CENTERED AT	319420.201	3769068.097
TO	315499.507	3765131.437
BY ARC CENTERED AT	318697.362	3769674.878

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	315218.016	3765343.217
BY ARC CENTERED AT	316763.642	3770679.899
TO	314202.855	3765749.229
BY ARC CENTERED AT	314850.594	3771267.342
TO	312506.912	3766229.853
BY STRAIGHT LINE TO	312239.272	3766354.372
BY ARC CENTERED AT	314582.954	3771391.861
TO	311146.295	3767026.256
BY STRAIGHT LINE TO	311143.024	3767028.831
BY ARC CENTERED AT	313861.221	3771874.503
TO	310004.083	3767875.551
BY ARC CENTERED AT	310619.605	3773397.350
TO	309299.249	3768000.518
BY ARC CENTERED AT	309885.168	3773525.537
TO	308131.775	3768253.464
BY STRAIGHT LINE TO	308031.156	3768286.928
BY ARC CENTERED AT	309784.549	3773559.001
TO	306375.619	3769171.709
BY ARC CENTERED AT	305346.069	3774631.486
TO	304292.950	3769176.206
BY STRAIGHT LINE TO	304074.836	3769218.312
BY ARC CENTERED AT	305127.955	3774673.592
TO	303406.231	3769391.092
BY STRAIGHT LINE TO	303209.345	3769455.263

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	304931.069	3774737.763
TO	302781.542	3769614.417
BY STRAIGHT LINE TO	302397.173	3769775.682
BY STRAIGHT LINE TO	302080.961	3769870.276
BY ARC CENTERED AT	303673.318	3775193.202
TO	301147.626	3770244.463
BY STRAIGHT LINE TO	300891.379	3770375.244
BY ARC CENTERED AT	303417.071	3775323.983
TO	300332.656	3770702.780
BY STRAIGHT LINE TO	300171.063	3770810.635
BY ARC CENTERED AT	303255.478	3775431.838
TO	299755.337	3771116.963
BY STRAIGHT LINE TO	299655.872	3771197.647
BY STRAIGHT LINE TO	299469.453	3771340.025
BY STRAIGHT LINE TO	299201.500	3771534.429
BY ARC CENTERED AT	302464.213	3776031.522
TO	298875.189	3771790.291
BY STRAIGHT LINE TO	298704.137	3771935.039
BY ARC CENTERED AT	302293.161	3776176.270
TO	298582.052	3772041.441
BY STRAIGHT LINE TO	298141.387	3772436.949
BY STRAIGHT LINE TO	297626.034	3772833.760
BY ARC CENTERED AT	301015.652	3777235.989
TO	297592.958	3772859.427

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	296884.077	3773413.808
BY ARC CENTERED AT	300306.771	3777790.370
TO	296539.264	3773706.863
BY STRAIGHT LINE TO	296108.080	3774104.680
BY ARC CENTERED AT	299875.587	3778188.187
TO	296086.433	3774124.759
BY STRAIGHT LINE TO	295476.574	3774693.454
BY ARC CENTERED AT	296053.433	3780219.426
TO	294708.985	3774828.545
BY STRAIGHT LINE TO	294316.420	3774926.448
BY ARC CENTERED AT	295660.868	3780317.329
TO	291255.251	3776932.115
BY ARC CENTERED AT	294385.246	3781522.569
TO	289614.267	3778675.307
BY STRAIGHT LINE TO	289265.728	3779259.332
BY ARC CENTERED AT	294036.707	3782106.594
TO	288485.709	3782342.300
BY STRAIGHT LINE TO	288259.079	3782864.672
BY ARC CENTERED AT	293356.061	3785075.986
TO	288230.254	3782932.336
BY STRAIGHT LINE TO	287944.819	3783614.854
BY STRAIGHT LINE TO	287707.020	3784102.443
BY ARC CENTERED AT	292700.774	3786537.922
TO	287559.991	3784430.438

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	287380.800	3784867.540
BY STRAIGHT LINE TO	287170.188	3785358.650
BY ARC CENTERED AT	292276.444	3787548.463
TO	287066.653	3785617.864
BY STRAIGHT LINE TO	286869.943	3786148.693
BY ARC CENTERED AT	292079.734	3788079.292
TO	286748.889	3786513.651
BY STRAIGHT LINE TO	286538.803	3787228.973
BY STRAIGHT LINE TO	286292.986	3788059.709
BY STRAIGHT LINE TO	286278.865	3788095.963
BY ARC CENTERED AT	291456.026	3790112.430
TO	286136.573	3788508.510
BY ARC CENTERED AT	291349.913	3790429.506
TO	286058.889	3788734.160
BY ARC CENTERED AT	290708.408	3791775.723
TO	285577.393	3789644.568
BY ARC CENTERED AT	287555.356	3794836.562
TO	284838.125	3789990.348
BY STRAIGHT LINE TO	284771.666	3790027.611
BY ARC CENTERED AT	287488.897	3794873.825
TO	284136.796	3790442.961
BY ARC CENTERED AT	287244.878	3795048.280
TO	283288.792	3791147.188
BY ARC CENTERED AT	286727.728	3795511.000

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	282863.710	3791518.694
BY ARC CENTERED AT	285382.203	3796471.101
TO	282784.040	3791560.023
BY STRAIGHT LINE TO	282492.301	3791714.365
BY ARC CENTERED AT	285090.464	3796625.443
TO	281872.851	3792095.972
BY STRAIGHT LINE TO	281534.737	3792336.159
BY ARC CENTERED AT	284752.350	3796865.630
TO	280165.148	3793730.871
BY STRAIGHT LINE TO	280013.411	3793952.913
BY ARC CENTERED AT	284600.613	3797087.672
TO	279791.118	3794305.965
BY STRAIGHT LINE TO	279734.507	3794403.843
BY ARC CENTERED AT	280269.365	3799934.039
TO	279725.241	3794404.747
BY STRAIGHT LINE TO	279593.554	3794417.706
BY ARC CENTERED AT	280137.678	3799946.998
TO	277709.640	3794949.622
BY STRAIGHT LINE TO	277592.292	3795006.637
BY ARC CENTERED AT	280020.330	3800004.013
TO	276380.293	3795806.482
BY STRAIGHT LINE TO	276294.060	3795881.262
BY ARC CENTERED AT	279934.097	3800078.793
TO	275467.439	3796774.537

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	275311.013	3796985.992
BY ARC CENTERED AT	279777.671	3800290.248
TO	274958.039	3797526.142
BY ARC CENTERED AT	278042.499	3802147.315
TO	274102.234	3798230.243
BY STRAIGHT LINE TO	274066.767	3798265.920
BY ARC CENTERED AT	278007.032	3802182.992
TO	273634.610	3798755.010
BY ARC CENTERED AT	277729.160	3802510.512
TO	273411.657	3799013.612
BY ARC CENTERED AT	275316.294	3804232.951
TO	272383.627	3799513.989
BY ARC CENTERED AT	275290.848	3804248.670
TO	270922.808	3800815.105
BY ARC CENTERED AT	272129.152	3806238.561
TO	269565.757	3801309.246
BY ARC CENTERED AT	272053.655	3806277.093
TO	268217.631	3802257.882
BY ARC CENTERED AT	269561.456	3807648.918
TO	268012.991	3802313.059
BY ARC CENTERED AT	269218.793	3807736.635
TO	267490.578	3802456.255
BY ARC CENTERED AT	268579.562	3807904.489
TO	265642.537	3803188.238

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	266189.144	3808717.285
TO	261657.613	3805502.574
BY ARC CENTERED AT	263178.832	3810846.265
TO	261455.879	3805564.166
BY ARC CENTERED AT	262801.080	3810954.859
TO	260306.215	3805990.508
BY STRAIGHT LINE TO	260195.698	3806046.049
BY ARC CENTERED AT	262690.563	3811010.400
TO	259985.291	3806157.500
BY ARC CENTERED AT	259096.944	3811642.021
TO	259335.007	3806091.124
BY ARC CENTERED AT	257687.128	3811397.123
TO	257943.680	3805847.049
BY STRAIGHT LINE TO	257619.505	3805832.064
BY ARC CENTERED AT	257362.953	3811382.138
TO	256651.021	3805871.939
BY STRAIGHT LINE TO	256582.253	3805880.824
BY ARC CENTERED AT	257294.185	3811391.023
TO	256359.651	3805914.183
BY ARC CENTERED AT	252950.420	3810301.241
TO	255533.536	3805382.232
BY STRAIGHT LINE TO	255175.826	3805194.388
BY ARC CENTERED AT	252592.710	3810113.397
TO	254735.984	3804987.433

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	251621.228	3809588.240
TO	254590.215	3804892.045
BY ARC CENTERED AT	251584.562	3809564.858
TO	254129.478	3804625.978
BY ARC CENTERED AT	251398.347	3809464.372
TO	253379.022	3804273.412
BY ARC CENTERED AT	251236.344	3809399.626
TO	253095.324	3804163.852
BY ARC CENTERED AT	251021.750	3809318.406
TO	252455.775	3803950.659
BY STRAIGHT LINE TO	252413.807	3803939.447
BY ARC CENTERED AT	250979.782	3809307.194
TO	251089.970	3803752.287
BY ARC CENTERED AT	250716.688	3809295.733
TO	249973.487	3803789.665
BY ARC CENTERED AT	249559.088	3809330.189
TO	248801.299	3803826.109
BY ARC CENTERED AT	249197.105	3809367.993
TO	246956.488	3804283.824
BY ARC CENTERED AT	249137.219	3809393.966
TO	246227.363	3804660.904
BY ARC CENTERED AT	248406.584	3809771.690
TO	245746.137	3804894.072
BY ARC CENTERED AT	247246.057	3810243.780

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	244468.911	3805431.650
BY ARC CENTERED AT	246315.545	3810671.791
TO	243708.216	3805765.573
BY ARC CENTERED AT	245699.301	3810952.549
TO	243106.827	3806038.466
BY ARC CENTERED AT	245152.071	3811204.326
TO	242570.871	3806284.312
BY ARC CENTERED AT	242022.142	3811813.148
TO	241992.131	3806257.229
BY ARC CENTERED AT	238632.880	3810682.675
TO	241045.489	3805677.832
BY ARC CENTERED AT	238537.751	3810635.693
TO	236405.160	3805505.275
BY ARC CENTERED AT	235452.665	3810979.020
TO	233501.203	3805777.008
BY STRAIGHT LINE TO	233420.267	3805807.370
BY ARC CENTERED AT	235371.729	3811009.382
TO	232207.519	3806442.445
BY STRAIGHT LINE TO	232113.763	3806507.404
BY ARC CENTERED AT	235277.973	3811074.341
TO	231254.502	3807242.786
BY STRAIGHT LINE TO	231160.927	3807341.048
BY ARC CENTERED AT	235184.398	3811172.603
TO	230852.157	3807693.979

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	233401.273	3812630.693
TO	230151.619	3808124.155
BY STRAIGHT LINE TO	230133.353	3808137.327
BY ARC CENTERED AT	233280.275	3812716.193
TO	230041.698	3808201.688
BY ARC CENTERED AT	233163.261	3812797.880
TO	230020.917	3808215.871
BY ARC CENTERED AT	233107.602	3812835.558
TO	229658.828	3808479.517
BY ARC CENTERED AT	232900.216	3812992.004
TO	229433.641	3808650.116
BY ARC CENTERED AT	228923.577	3814182.653
TO	228654.839	3808633.156
BY STRAIGHT LINE TO	228574.964	3808637.024
BY ARC CENTERED AT	228843.702	3814186.521
TO	227526.533	3808788.910
BY STRAIGHT LINE TO	227154.793	3808879.625
BY ARC CENTERED AT	228471.962	3814277.236
TO	226939.332	3808936.807
BY STRAIGHT LINE TO	226798.172	3808977.318
BY ARC CENTERED AT	228330.802	3814317.747
TO	224650.007	3810155.910
BY ARC CENTERED AT	227244.233	3815069.069
TO	224210.698	3810414.308

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BEGINNING AT	775789.302	3810414.307
BY ARC CENTERED AT	778542.029	3815240.573
TO	775427.164	3810639.839
BY ARC CENTERED AT	776577.588	3816075.431
TO	774790.702	3810814.616
BY ARC CENTERED AT	776521.584	3816094.122
TO	773626.214	3811352.185
BY ARC CENTERED AT	773483.567	3816906.353
TO	772588.864	3811422.865
BY STRAIGHT LINE TO	772494.388	3811438.280
BY ARC CENTERED AT	773389.091	3816921.768
TO	771455.901	3811712.938
BY ARC CENTERED AT	770343.732	3817156.486
TO	769871.003	3811620.634
BY ARC CENTERED AT	768793.174	3817071.085
TO	769813.475	3811609.572
BY ARC CENTERED AT	768666.168	3817045.823
TO	768722.870	3811490.112
BY ARC CENTERED AT	768281.157	3817028.526
TO	768056.688	3811477.062
BY ARC CENTERED AT	767503.906	3817005.495
TO	766317.686	3811577.602
BY STRAIGHT LINE TO	765989.109	3811629.121
BY ARC CENTERED AT	766849.731	3817118.061

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	765223.299	3811805.448
BY STRAIGHT LINE TO	764972.784	3811882.142
BY ARC CENTERED AT	766599.216	3817194.755
TO	764259.253	3812155.538
BY ARC CENTERED AT	766151.721	3817379.301
TO	763706.586	3812390.268
BY ARC CENTERED AT	765765.934	3817550.522
TO	763382.758	3812531.597
BY STRAIGHT LINE TO	763137.898	3812647.866
BY ARC CENTERED AT	764423.282	3818053.134
TO	762899.866	3812710.069
BY STRAIGHT LINE TO	762825.586	3812731.248
BY STRAIGHT LINE TO	762766.729	3812742.546
BY STRAIGHT LINE TO	762724.581	3812749.742
BY ARC CENTERED AT	760910.566	3818001.264
TO	761726.789	3812505.546
BY ARC CENTERED AT	760074.051	3817810.034
TO	759223.021	3812319.598
BY ARC CENTERED AT	758462.725	3817823.332
TO	759192.503	3812315.468
BY STRAIGHT LINE TO	759136.517	3812308.050
BY ARC CENTERED AT	758406.739	3817815.914
TO	757550.585	3812326.275
BY ARC CENTERED AT	758037.941	3817860.859

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	757548.792	3812326.433
BY ARC CENTERED AT	756838.659	3817836.864
TO	756880.347	3812281.020
BY ARC CENTERED AT	756802.144	3817836.470
TO	756581.440	3812284.855
BY STRAIGHT LINE TO	756413.100	3812291.548
BY STRAIGHT LINE TO	756358.147	3812290.995
BY ARC CENTERED AT	756302.272	3817846.714
TO	756196.608	3812291.719
BY STRAIGHT LINE TO	755769.386	3812299.845
BY STRAIGHT LINE TO	755561.800	3812302.090
BY ARC CENTERED AT	753723.727	3817545.240
TO	754560.760	3812052.653
BY STRAIGHT LINE TO	754464.614	3812038.001
BY ARC CENTERED AT	753627.581	3817530.588
TO	754390.185	3812027.174
BY ARC CENTERED AT	753559.400	3817520.709
TO	753824.987	3811971.060
BY ARC CENTERED AT	752932.367	3817454.888
TO	753591.483	3811938.122
BY ARC CENTERED AT	752881.457	3817448.567
TO	752925.639	3811892.743
BY STRAIGHT LINE TO	752675.891	3811865.256
BY ARC CENTERED AT	752068.077	3817387.909

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	752305.654	3811836.991
BY ARC CENTERED AT	751553.894	3817341.897
TO	751631.489	3811786.439
BY ARC CENTERED AT	751310.210	3817333.142
TO	751012.092	3811785.146
BY ARC CENTERED AT	750116.868	3817268.549
TO	750954.447	3811776.045\
BY STRAIGHT LINE TO	750883.225	3811765.184
BY ARC CENTERED AT	750045.646	3817257.688
TO	750546.324	3811724.293
BY ARC CENTERED AT	749947.828	3817247.964
TO	748974.676	3811777.853
BY ARC CENTERED AT	747657.708	3817175.513
TO	748586.238	3811697.651
BY ARC CENTERED AT	746974.934	3817014.872
TO	748466.835	3811662.922
BY STRAIGHT LINE TO	748252.854	3811603.273
BY ARC CENTERED AT	746760.953	3816955.223
TO	748247.160	3811601.689
BY ARC CENTERED AT	746198.188	3816766.072
TO	747194.703	3811300.169
BY STRAIGHT LINE TO	747111.583	3811285.015
BY ARC CENTERED AT	746115.068	3816750.918
TO	747106.287	3811284.052

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	744716.557	3816299.860
TO	746715.454	3811115.890
BY ARC CENTERED AT	744583.859	3816246.722
TO	745464.336	3810760.932
BY ARC CENTERED AT	744185.683	3816167.796
TO	744491.984	3810620.246
BY STRAIGHT LINE TO	744396.084	3810614.951
BY ARC CENTERED AT	744089.783	3816162.501
TO	744195.404	3810607.505
BY ARC CENTERED AT	742826.309	3815992.179
TO	743656.365	3810498.533
BY STRAIGHT LINE TO	743550.272	3810482.503
BY ARC CENTERED AT	742720.216	3815976.149
TO	743024.424	3810428.483
BY STRAIGHT LINE TO	742573.729	3810403.769
BY ARC CENTERED AT	742269.521	3815951.435
TO	742554.696	3810402.758
BY STRAIGHT LINE TO	742116.717	3810380.248
BY ARC CENTERED AT	741831.542	3815928.925
TO	741730.770	3810373.839
BY ARC CENTERED AT	741059.403	3815889.127
TO	741313.533	3810338.942
BY ARC CENTERED AT	740289.824	3815799.817
TO	741289.085	3810334.416

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	740966.984	3810275.525
BY ARC CENTERED AT	739967.723	3815740.926
TO	740532.967	3810213.754
BY STRAIGHT LINE TO	740436.161	3810203.854
BY ARC CENTERED AT	739870.917	3815731.026
TO	740126.316	3810180.899
BY STRAIGHT LINE TO	740020.971	3810176.052
BY ARC CENTERED AT	739269.403	3815680.984
TO	739600.136	3810134.837
BY ARC CENTERED AT	736966.344	3815026.899
TO	738526.071	3809694.321
BY STRAIGHT LINE TO	738419.835	3809663.248
BY ARC CENTERED AT	736860.108	3814995.826
TO	737266.568	3809454.714
BY STRAIGHT LINE TO	737092.684	3809441.959
BY ARC CENTERED AT	736686.224	3814983.071
TO	737056.015	3809439.391
BY ARC CENTERED AT	734078.026	3814129.883
TO	736608.945	3809183.815
BY ARC CENTERED AT	734023.056	3814101.367
TO	733488.141	3808571.177
BY ARC CENTERED AT	733936.519	3814109.055
TO	731687.399	3809028.642
BY ARC CENTERED AT	732189.168	3814561.938

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	726925.629	3812783.093
BY ARC CENTERED AT	731904.055	3815249.752
TO	726350.103	3815400.605
BY ARC CENTERED AT	730593.702	3818986.829
TO	726014.024	3815841.088
BY ARC CENTERED AT	729829.145	3819880.146
TO	724724.703	3817686.107
BY ARC CENTERED AT	729802.084	3819942.063
TO	724393.795	3818669.450
BY STRAIGHT LINE TO	724344.503	3818841.607
BY ARC CENTERED AT	727834.135	3823164.986
TO	724252.699	3818917.345
BY ARC CENTERED AT	727344.330	3823533.724
TO	723839.935	3819222.303
BY ARC CENTERED AT	726086.955	3824303.645
TO	723639.852	3819315.577
BY ARC CENTERED AT	724648.657	3824779.225
TO	723584.277	3819326.131
BY ARC CENTERED AT	724424.730	3824818.196
TO	720996.109	3820446.275
BY ARC CENTERED AT	723598.684	3825355.016
TO	720639.233	3820652.805
BY ARC CENTERED AT	719364.571	3826060.612
TO	719095.785	3820511.117

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	718605.559	3826045.448
TO	718533.330	3820489.918
BY ARC CENTERED AT	718587.953	3826045.649
TO	717793.969	3820546.674
BY ARC CENTERED AT	718022.234	3826097.983
TO	715435.576	3821180.836
BY ARC CENTERED AT	717319.634	3826407.638
TO	713441.640	3822428.907
BY ARC CENTERED AT	716801.868	3826853.611
TO	713064.050	3822742.911
BY ARC CENTERED AT	716357.999	3827217.175
TO	711506.564	3824509.277
BY ARC CENTERED AT	715337.049	3828533.767
TO	709781.071	3828549.230
BY ARC CENTERED AT	715337.068	3828543.941
TO	710206.335	3830675.775
BY ARC CENTERED AT	715659.584	3831739.360
TO	711743.749	3835680.854
BY ARC CENTERED AT	717027.493	3833962.952
TO	712399.413	3837037.039
BY ARC CENTERED AT	717677.665	3835302.337
TO	712436.238	3837145.318
BY ARC CENTERED AT	717846.464	3835880.964
TO	712509.559	3837425.820

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	712539.480	3837529.186
BY ARC CENTERED AT	717876.385	3835984.330
TO	712851.506	3838354.925
BY STRAIGHT LINE TO	712936.578	3838622.294
BY STRAIGHT LINE TO	713008.493	3838895.093
BY ARC CENTERED AT	718380.949	3837478.812
TO	713113.022	3839244.622
BY STRAIGHT LINE TO	713174.123	3839426.903
BY ARC CENTERED AT	718570.910	3838106.363
TO	713216.716	3839590.190
BY STRAIGHT LINE TO	713258.255	3839740.078
BY ARC CENTERED AT	718612.449	3838256.251
TO	713267.907	3839774.477
BY STRAIGHT LINE TO	713670.847	3841192.928
BY ARC CENTERED AT	719015.389	3839674.702
TO	713671.837	3841196.407
BY STRAIGHT LINE TO	713792.630	3841620.578
BY STRAIGHT LINE TO	713793.633	3841627.194
BY ARC CENTERED AT	719286.771	3840793.782
TO	713860.818	3841988.842
BY ARC CENTERED AT	718582.506	3844917.117
TO	713771.899	3842137.333
BY ARC CENTERED AT	717271.672	3846452.507
TO	712401.922	3843777.686

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	717237.919	3846513.059
TO	712255.566	3844054.342
BY ARC CENTERED AT	717198.664	3846591.055
TO	712132.897	3844309.139
BY ARC CENTERED AT	715883.714	3848407.981
TO	710362.349	3849027.388
BY ARC CENTERED AT	715888.106	3848448.470
TO	710370.353	3849099.268
BY ARC CENTERED AT	715903.277	3848593.414
TO	711088.337	3851365.686
BY ARC CENTERED AT	716401.919	3849742.422
TO	711271.231	3851874.364
BY ARC CENTERED AT	716455.023	3849875.005
TO	711350.032	3852067.767
BY ARC CENTERED AT	716652.346	3850408.067
TO	711644.412	3852814.254
BY ARC CENTERED AT	716999.609	3851334.050
TO	711811.166	3853321.308
BY ARC CENTERED AT	717209.570	3852007.394
TO	712014.164	3853976.375
BY STRAIGHT LINE TO	712097.003	3854367.352
BY STRAIGHT LINE TO	712170.171	3854725.633
BY ARC CENTERED AT	717613.815	3853613.936
TO	712276.383	3855156.972

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	712299.327	3855321.159
BY ARC CENTERED AT	717801.861	3854552.227
TO	712329.919	3855515.027
BY STRAIGHT LINE TO	712458.863	3856247.861
BY STRAIGHT LINE TO	712527.744	3856639.835
BY ARC CENTERED AT	717999.893	3855678.208
TO	712575.474	3856880.212
BY STRAIGHT LINE TO	712607.925	3857026.658
BY ARC CENTERED AT	718129.264	3856407.019
TO	712670.434	3857441.579
BY ARC CENTERED AT	715616.589	3862152.132
TO	712417.133	3857609.818
BY ARC CENTERED AT	715317.231	3862348.865
TO	710780.684	3859141.237
BY ARC CENTERED AT	712594.139	3864392.953
TO	707069.239	3864979.990
BY ARC CENTERED AT	712620.739	3864756.427
TO	707528.378	3866978.363
BY ARC CENTERED AT	713024.114	3867794.467
TO	708317.849	3870747.467
BY ARC CENTERED AT	713722.734	3869460.471
TO	708384.264	3870999.910
BY ARC CENTERED AT	713841.354	3869956.213
TO	708437.604	3871247.963

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	713914.912	3870316.175
TO	708607.158	3871958.394
BY ARC CENTERED AT	714002.680	3870632.695
TO	708632.667	3872058.209
BY ARC CENTERED AT	714102.519	3871083.607
TO	708837.009	3872856.609
BY ARC CENTERED AT	714302.155	3871855.954
TO	709041.849	3873644.339
BY STRAIGHT LINE TO	709046.027	3873660.496
BY ARC CENTERED AT	714425.164	3872269.807
TO	709056.291	3873699.609
BY STRAIGHT LINE TO	709200.532	3874241.233
BY ARC CENTERED AT	714677.160	3873305.453
TO	709373.608	3874961.192
BY STRAIGHT LINE TO	709404.183	3875059.127
BY STRAIGHT LINE TO	709404.610	3875060.934
BY ARC CENTERED AT	714889.160	3874172.761
TO	709567.557	3875769.532
BY ARC CENTERED AT	715039.399	3874806.162
TO	709671.594	3876239.970
BY ARC CENTERED AT	715187.678	3875575.174
TO	709793.480	3876906.251
BY ARC CENTERED AT	715301.768	3876179.683
TO	709905.553	3877502.559

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	715404.233	3876706.534
TO	709956.268	3877796.859
BY STRAIGHT LINE TO	710027.502	3878152.790
BY ARC CENTERED AT	715475.467	3877062.465
TO	710049.159	3878255.912
BY STRAIGHT LINE TO	710075.358	3878375.033
BY ARC CENTERED AT	715572.557	3877568.845
TO	710105.503	3878559.026
BY STRAIGHT LINE TO	710153.734	3878825.321
BY ARC CENTERED AT	715708.802	3878927.085
TO	710156.994	3879142.863
BY STRAIGHT LINE TO	710168.652	3879442.815
BY ARC CENTERED AT	715720.460	3879227.037
TO	710225.790	3880050.288
BY STRAIGHT LINE TO	710250.680	3880216.408
BY STRAIGHT LINE TO	710274.420	3880580.677
BY ARC CENTERED AT	715818.658	3880219.346
TO	710370.868	3881310.548
BY ARC CENTERED AT	715889.019	3880663.132
TO	710374.729	3881342.648
BY STRAIGHT LINE TO	710424.709	3881748.234
BY STRAIGHT LINE TO	710427.782	3882074.301
BY ARC CENTERED AT	715983.535	3882021.940
TO	710429.853	3882182.405

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	710438.670	3882487.553
BY STRAIGHT LINE TO	710442.781	3882881.033
BY ARC CENTERED AT	715998.478	3882822.977
TO	710445.506	3883006.391
BY STRAIGHT LINE TO	710461.851	3883501.242
BY STRAIGHT LINE TO	710452.310	3883858.937
BY ARC CENTERED AT	716006.335	3884007.079
TO	710450.463	3883969.363
BY STRAIGHT LINE TO	710447.431	3884415.970
BY STRAIGHT LINE TO	710441.662	3884874.462
BY STRAIGHT LINE TO	710425.441	3885230.264
BY STRAIGHT LINE TO	710379.209	3885521.507
BY ARC CENTERED AT	715866.505	3886392.553
TO	710350.852	3885724.188
BY STRAIGHT LINE TO	710315.963	3886012.110
BY STRAIGHT LINE TO	710258.937	3886354.117
BY ARC CENTERED AT	715739.276	3887267.910
TO	710245.774	3886436.902
BY STRAIGHT LINE TO	710244.065	3886448.200
BY ARC CENTERED AT	710951.358	3891958.996
TO	707414.325	3887674.310
BY ARC CENTERED AT	704955.335	3892656.529
TO	706602.084	3887350.179
BY ARC CENTERED AT	704874.137	3892630.646

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	703054.041	3887381.228
BY ARC CENTERED AT	704828.461	3892646.261
TO	702794.855	3887475.808
BY ARC CENTERED AT	702960.143	3893029.349
TO	698858.069	3889282.067
BY ARC CENTERED AT	699448.634	3894806.591
TO	697085.236	3889778.322
BY ARC CENTERED AT	698779.669	3895069.639
TO	694423.690	3891620.787
BY ARC CENTERED AT	698731.006	3895130.226
TO	694007.632	3892204.671
BY ARC CENTERED AT	696754.559	3897034.115
TO	693861.694	3892290.649
BY ARC CENTERED AT	696013.752	3897412.932
TO	692834.505	3892856.451
BY ARC CENTERED AT	694955.189	3897991.802
TO	690847.838	3894250.304
BY ARC CENTERED AT	694416.260	3898508.884
TO	690539.606	3894528.848
BY ARC CENTERED AT	693647.631	3899134.205
TO	690377.903	3894642.211
BY ARC CENTERED AT	693363.939	3899327.584
TO	688982.985	3895910.512
BY ARC CENTERED AT	692473.629	3900233.074

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	687170.354	3898576.447
BY ARC CENTERED AT	691415.122	3902161.288
TO	686836.572	3899013.906
BY ARC CENTERED AT	691202.902	3902449.644
TO	686172.500	3900090.790
BY ARC CENTERED AT	690717.889	3903285.876
TO	685669.866	3900964.970
BY ARC CENTERED AT	690698.020	3903328.613
TO	685684.315	3905722.751
BY ARC CENTERED AT	691224.582	3905304.926
TO	686768.879	3908623.939
BY ARC CENTERED AT	691292.141	3905397.604
TO	686978.612	3908899.404
BY ARC CENTERED AT	692295.225	3907286.096
TO	687771.913	3910512.361
BY ARC CENTERED AT	693078.308	3908865.755
TO	687949.902	3911003.182
BY STRAIGHT LINE TO	687970.252	3911052.008
BY STRAIGHT LINE TO	688032.802	3911246.771
BY STRAIGHT LINE TO	688113.976	3911551.580
BY STRAIGHT LINE TO	688321.625	3912472.172
BY ARC CENTERED AT	693741.462	3911249.672
TO	688372.267	3912678.267
BY ARC CENTERED AT	693845.251	3911721.405

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	688440.004	3913006.876
BY STRAIGHT LINE TO	688440.714	3913009.864
BY ARC CENTERED AT	693469.621	3915371.904
TO	687917.799	3915587.319
BY ARC CENTERED AT	693438.997	3916208.209
TO	688087.528	3917701.835
BY ARC CENTERED AT	693474.038	3916339.980
TO	688129.459	3917858.073
BY ARC CENTERED AT	693152.707	3920232.123
TO	687856.315	3918553.623
BY ARC CENTERED AT	692538.205	3921545.117
TO	687784.277	3918669.477
BY ARC CENTERED AT	687359.908	3924209.247
TO	686272.021	3918760.794
BY ARC CENTERED AT	686392.993	3924315.477
TO	684578.823	3919064.008
BY ARC CENTERED AT	686178.638	3924384.697
TO	683273.491	3919648.743
BY ARC CENTERED AT	685874.329	3924558.405
TO	682520.124	3920129.134
BY ARC CENTERED AT	685795.672	3924616.886
TO	682386.580	3920229.720
BY ARC CENTERED AT	685196.995	3925022.496
TO	682274.344	3920297.324

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	683408.572	3925736.319
TO	682052.684	3920348.304
BY ARC CENTERED AT	681663.332	3925890.645
TO	681940.888	3920341.582
BY ARC CENTERED AT	681213.699	3925849.788
TO	678998.539	3920754.476
BY ARC CENTERED AT	681192.581	3925858.917
TO	678473.082	3921013.975
BY ARC CENTERED AT	681059.716	3925931.135
TO	677049.003	3922086.227
BY ARC CENTERED AT	680632.448	3926332.173
TO	675936.999	3923362.006
BY ARC CENTERED AT	680607.186	3926371.738
TO	675874.384	3923461.459
BY ARC CENTERED AT	679782.821	3927410.289
TO	675221.011	3924238.692
BY ARC CENTERED AT	679405.725	3927893.457
TO	675158.212	3924311.869
BY ARC CENTERED AT	678096.157	3929027.547
TO	674895.775	3924485.885
BY ARC CENTERED AT	677980.877	3929106.630
TO	674599.696	3924697.917
BY ARC CENTERED AT	677895.392	3929170.894
TO	673321.907	3926016.156

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	677472.493	3929709.633
TO	672864.616	3926605.345
BY ARC CENTERED AT	675980.120	3931205.646
TO	672029.807	3927298.708
BY ARC CENTERED AT	675879.873	3931304.470
TO	671866.766	3927462.061
BY ARC CENTERED AT	675338.324	3931799.966
TO	670704.672	3928734.284
BY ARC CENTERED AT	674503.682	3932788.499
TO	670351.490	3929096.828
BY ARC CENTERED AT	673297.468	3933807.491
TO	668277.246	3931427.049
BY ARC CENTERED AT	672678.736	3934817.627
TO	668208.008	3931518.881
BY ARC CENTERED AT	672001.204	3935578.536
TO	667105.812	3932950.938
BY ARC CENTERED AT	671785.543	3935945.809
TO	666835.872	3933421.944
BY ARC CENTERED AT	670193.180	3937848.864
TO	665778.142	3934475.946
BY ARC CENTERED AT	670141.798	3937915.080
TO	664658.549	3937018.910
BY ARC CENTERED AT	669415.975	3939888.760
TO	664649.125	3937034.592

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	668708.778	3940827.790
TO	664550.319	3937143.180
BY ARC CENTERED AT	668436.494	3941113.920
TO	663420.771	3938724.011
BY ARC CENTERED AT	668073.592	3941760.522
TO	663142.569	3939200.415
BY ARC CENTERED AT	667374.600	3942800.283
TO	663115.229	3939232.805
BY ARC CENTERED AT	667082.868	3943122.147
TO	663050.378	3939300.085
BY ARC CENTERED AT	663494.350	3944838.318
TO	662193.971	3939436.638
BY ARC CENTERED AT	663385.178	3944863.438
TO	660268.419	3940263.987
BY ARC CENTERED AT	663173.303	3945000.102
TO	659828.689	3940563.584
BY ARC CENTERED AT	662115.560	3945627.116
TO	659209.173	3940891.923
BY ARC CENTERED AT	659745.383	3946421.988
TO	659131.838	3940899.969
BY ARC CENTERED AT	659362.439	3946451.181
TO	658789.247	3940924.827
BY ARC CENTERED AT	659333.957	3946454.061
TO	658386.961	3940979.361

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	658980.845	3946503.530
TO	655712.899	3942010.239
BY ARC CENTERED AT	656725.390	3947473.205
TO	654364.930	3942443.556
BY ARC CENTERED AT	655051.159	3947957.015
TO	654227.407	3942462.421
BY ARC CENTERED AT	654953.826	3947970.728
TO	652443.861	3943013.994
BY ARC CENTERED AT	654877.705	3948008.545
TO	652163.640	3943160.557
BY ARC CENTERED AT	654854.083	3948021.694
TO	650170.497	3945032.855
BY ARC CENTERED AT	654822.803	3948070.154
TO	649595.654	3946187.058
BY ARC CENTERED AT	654811.443	3948101.394
TO	649346.261	3947100.932
BY ARC CENTERED AT	653709.776	3950540.245
TO	648336.332	3949127.716
BY ARC CENTERED AT	652561.324	3952735.843
TO	647724.303	3950002.281
BY ARC CENTERED AT	652199.780	3953294.581
TO	646876.477	3951703.486
BY ARC CENTERED AT	652073.991	3953666.898
TO	646520.803	3953490.139

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	652070.458	3953755.601
TO	646516.376	3953901.566
BY ARC CENTERED AT	652006.589	3954754.029
TO	646462.770	3954386.319
BY ARC CENTERED AT	651985.970	3954989.147
TO	646432.953	3955171.172
BY ARC CENTERED AT	651930.350	3955976.006
TO	646398.139	3955462.417
BY ARC CENTERED AT	650924.989	3958683.715
TO	645389.470	3958207.101
BY ARC CENTERED AT	646593.835	3963630.996
TO	644807.527	3958369.985
BY ARC CENTERED AT	646406.039	3963691.065
TO	641257.456	3961602.708
BY ARC CENTERED AT	645551.821	3965127.984
TO	640585.035	3962637.968
BY ARC CENTERED AT	644364.689	3966710.235
TO	639191.120	3964684.570
BY ARC CENTERED AT	643137.426	3968595.555
TO	638982.266	3964907.224
BY ARC CENTERED AT	641823.665	3969681.697
TO	638775.176	3965036.716
BY ARC CENTERED AT	640945.043	3970151.480
TO	637904.127	3965501.538

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	639576.002	3970800.025
TO	634613.911	3968300.667
BY ARC CENTERED AT	638064.107	3972655.582
TO	634604.919	3968307.806
BY ARC CENTERED AT	637713.219	3972912.978
TO	632468.922	3971078.181
BY ARC CENTERED AT	637701.411	3972946.386
TO	632184.715	3973606.081
BY ARC CENTERED AT	637093.112	3976209.304
TO	631540.741	3976008.531
BY ARC CENTERED AT	635660.876	3979735.946
TO	630226.379	3980891.533
BY ARC CENTERED AT	631995.289	3986158.420
TO	629158.572	3981381.164
BY ARC CENTERED AT	629236.780	3986936.614
TO	628547.039	3981423.594
BY ARC CENTERED AT	628492.497	3986979.326
TO	623739.447	3984102.236
BY ARC CENTERED AT	627909.281	3987773.968
TO	622489.106	3986552.970
BY ARC CENTERED AT	627102.735	3989648.703
TO	621819.020	3987930.712
BY ARC CENTERED AT	626918.717	3990135.758
TO	621622.628	3988456.300

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	625265.356	3992651.496
TO	621143.783	3988925.671
BY ARC CENTERED AT	625078.889	3992847.925
TO	620876.468	3989213.534
BY ARC CENTERED AT	625071.766	3992856.145
TO	620001.316	3990584.653
BY ARC CENTERED AT	624615.674	3993679.300
TO	619543.251	3991412.218
BY ARC CENTERED AT	624198.248	3994445.391
TO	619038.174	3992385.592
BY ARC CENTERED AT	623778.882	3995282.974
TO	618342.576	3994135.928
BY ARC CENTERED AT	621820.171	3998468.995
TO	617399.169	3995103.898
BY ARC CENTERED AT	621532.533	3998816.638
TO	616249.923	3997095.254
BY ARC CENTERED AT	620591.809	4000561.831
TO	616041.882	3997373.210
BY ARC CENTERED AT	619486.854	4001732.259
TO	614755.341	3998819.886
BY ARC CENTERED AT	617434.952	4003687.002
TO	613721.479	3999554.296
BY ARC CENTERED AT	617412.188	4003707.344
TO	613429.033	3999833.894

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	616973.695	4004112.271
TO	613039.921	4000188.682
BY ARC CENTERED AT	616966.097	4004119.874
TO	612503.970	4000809.503
BY ARC CENTERED AT	616689.890	4004462.886
TO	611951.191	4001562.220
BY ARC CENTERED AT	615594.555	4005756.863
TO	611552.113	4001945.329
BY ARC CENTERED AT	614393.977	4006719.524
TO	611264.486	4002128.727
BY ARC CENTERED AT	613391.465	4007261.474
TO	610353.275	4002609.750
BY ARC CENTERED AT	611961.889	4007927.785
TO	607734.961	4004321.927
BY ARC CENTERED AT	610279.902	4009260.794
TO	607554.814	4004418.994
BY ARC CENTERED AT	610123.759	4009345.418
TO	607118.130	4004672.589
BY ARC CENTERED AT	608954.708	4009916.263
TO	606845.739	4004776.089
BY ARC CENTERED AT	607120.669	4010325.283
TO	606547.180	4004798.960
BY ARC CENTERED AT	606842.007	4010347.132
TO	603556.556	4005866.625

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	606465.643	4010600.159
TO	602807.436	4006418.454
BY ARC CENTERED AT	605334.097	4011366.698
TO	601843.786	4007043.867
BY ARC CENTERED AT	604444.048	4011953.834
TO	600711.264	4007838.562
BY ARC CENTERED AT	603961.085	4012344.980
TO	598809.256	4010264.645
BY ARC CENTERED AT	600233.389	4015635.025
TO	598196.257	4010465.961
BY ARC CENTERED AT	599789.479	4015788.627
TO	594364.936	4014587.184
BY ARC CENTERED AT	598407.338	4018398.761
TO	592892.963	4017719.938
BY ARC CENTERED AT	598388.294	4018538.760
TO	593055.281	4020096.999
BY ARC CENTERED AT	598037.918	4022555.142
TO	592492.689	4022900.928
BY ARC CENTERED AT	597911.738	4024126.914
TO	592372.036	4023701.669
BY ARC CENTERED AT	597863.112	4024548.555
TO	592337.912	4023964.346
BY ARC CENTERED AT	597858.943	4024586.722
TO	592302.979	4024566.725

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	597855.436	4024765.111
TO	592300.974	4024895.836
BY ARC CENTERED AT	597855.926	4024787.922
TO	592305.694	4025041.015
BY ARC CENTERED AT	597806.371	4025823.117
TO	592252.260	4025968.000
BY ARC CENTERED AT	597807.511	4025876.751
TO	592269.484	4026323.283
BY ARC CENTERED AT	597818.855	4026594.605
TO	592262.986	4026632.722
BY ARC CENTERED AT	597185.219	4029209.688
TO	591663.891	4028589.955
BY ARC CENTERED AT	596862.559	4030550.308
TO	591310.499	4030759.509
BY ARC CENTERED AT	595676.710	4034195.399
TO	590680.815	4031764.315
BY ARC CENTERED AT	595203.093	4034992.029
TO	589656.646	4035317.705
BY ARC CENTERED AT	594615.172	4037824.128
TO	589189.374	4036628.363
BY ARC CENTERED AT	594269.427	4038878.296
TO	588736.680	4038370.512
BY ARC CENTERED AT	593201.995	4041676.582
TO	588702.060	4038417.791

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	593152.510	4041743.844
TO	588361.938	4038929.674
BY ARC CENTERED AT	593132.746	4041777.221
TO	587713.015	4040554.254
BY ARC CENTERED AT	593075.528	4042007.728
TO	587840.991	4043870.189
BY ARC CENTERED AT	592009.874	4047543.001
TO	587643.046	4044107.896
BY ARC CENTERED AT	591383.222	4048216.450
TO	585903.417	4047299.461
BY ARC CENTERED AT	591146.248	4049138.443
TO	585702.791	4050251.056
BY ARC CENTERED AT	591149.319	4049153.575
TO	587441.256	4053291.135
BY ARC CENTERED AT	592845.917	4052003.202
TO	587998.846	4054718.904
BY ARC CENTERED AT	592937.252	4052173.068
TO	588793.890	4055874.647
BY ARC CENTERED AT	593104.820	4052369.648
TO	589247.850	4056368.763
BY ARC CENTERED AT	594605.217	4054896.432
TO	589250.409	4056378.042
BY STRAIGHT LINE TO	582379.149	4084018.895
BY ARC CENTERED AT	583177.995	4089517.166

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	582248.486	4084039.470
BY ARC CENTERED AT	583000.119	4089544.394
TO	581593.254	4084169.465
BY ARC CENTERED AT	582863.986	4089578.196
TO	581353.988	4084231.324
BY ARC CENTERED AT	582831.989	4089587.129
TO	581191.920	4084278.710
BY ARC CENTERED AT	582467.896	4089686.207
TO	580639.395	4084439.711
BY ARC CENTERED AT	581327.979	4089952.876
TO	579389.094	4084746.163
BY ARC CENTERED AT	580126.481	4090253.013
TO	579210.488	4084773.041
BY ARC CENTERED AT	579589.902	4090316.071
TO	576749.403	4085541.063
BY ARC CENTERED AT	579546.625	4090341.551
TO	576440.449	4085734.946
BY ARC CENTERED AT	579378.901	4090450.308
TO	576376.937	4085775.123
BY ARC CENTERED AT	579286.597	4090508.306
TO	576058.772	4085986.107
BY ARC CENTERED AT	578382.694	4091032.742
TO	576028.116	4086000.337
BY ARC CENTERED AT	577762.146	4091278.810

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	575550.505	4086181.970
BY ARC CENTERED AT	576980.158	4091550.883
TO	573251.758	4087431.639
BY ARC CENTERED AT	575379.773	4092563.957
TO	571498.310	4088588.611
BY ARC CENTERED AT	575298.720	4092641.513
TO	570956.630	4089175.191
BY ARC CENTERED AT	573817.175	4093938.217
TO	569565.959	4090361.026
BY ARC CENTERED AT	572693.466	4094953.175
TO	568312.553	4091536.051
BY ARC CENTERED AT	572026.883	4095667.986
TO	568253.589	4091589.826
BY ARC CENTERED AT	570565.143	4096642.138
TO	566289.818	4093093.796
BY ARC CENTERED AT	569097.820	4097877.986
TO	564508.212	4094756.751
BY ARC CENTERED AT	569075.064	4097921.083
TO	564192.357	4095269.988
BY ARC CENTERED AT	568899.648	4098221.351
TO	564014.033	4095575.619
BY ARC CENTERED AT	568742.013	4098493.724
TO	563515.333	4096609.327
BY ARC CENTERED AT	567225.796	4100744.735

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	562745.501	4097458.995
BY ARC CENTERED AT	566539.667	4101517.743
TO	561693.913	4098799.691
BY ARC CENTERED AT	566417.755	4101724.491
TO	561585.960	4098981.702
BY ARC CENTERED AT	565974.657	4102388.823
TO	561197.399	4099552.109
BY ARC CENTERED AT	565355.859	4103236.719
TO	560530.529	4100482.572
BY ARC CENTERED AT	565062.902	4103696.095
TO	560173.678	4101057.037
BY ARC CENTERED AT	564708.877	4104266.571
TO	559922.048	4101446.038
BY ARC CENTERED AT	559024.796	4106929.110
TO	558907.385	4101374.351
BY ARC CENTERED AT	558889.522	4106930.322
TO	556418.422	4101954.099
BY ARC CENTERED AT	558874.164	4106937.919
TO	555437.793	4102572.087
BY ARC CENTERED AT	558665.242	4107094.554
TO	555158.486	4102785.053
BY ARC CENTERED AT	558557.028	4107180.397
TO	553081.296	4106239.392
BY ARC CENTERED AT	558264.128	4108241.237

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	552737.895	4107666.886
BY ARC CENTERED AT	556686.411	4111575.639
TO	552592.563	4107819.371
BY ARC CENTERED AT	556526.168	4111743.131
TO	551227.730	4110071.098
BY ARC CENTERED AT	553491.714	4115144.905
TO	550239.761	4110640.026
BY ARC CENTERED AT	553476.851	4115155.597
TO	549105.522	4111726.221
BY ARC CENTERED AT	553303.895	4115365.287
TO	548289.138	4112973.354
BY ARC CENTERED AT	553024.731	4115879.088
TO	547596.300	4114695.334
BY ARC CENTERED AT	552726.851	4116827.606
TO	547176.604	4116574.834
BY ARC CENTERED AT	552619.894	4117688.265
TO	547118.546	4116910.897
BY ARC CENTERED AT	552403.031	4118626.516
TO	546895.887	4117891.330
BY ARC CENTERED AT	552383.975	4118757.369
TO	546858.239	4118178.247
BY ARC CENTERED AT	551686.889	4120926.570
TO	546403.667	4119207.065
BY ARC CENTERED AT	551667.305	4120985.617

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	546379.701	4119279.634
BY ARC CENTERED AT	551404.997	4121649.346
TO	546199.744	4119706.546
BY ARC CENTERED AT	551119.473	4122288.289
TO	545700.561	4123514.881
BY ARC CENTERED AT	551141.521	4122390.119
TO	546298.451	4125112.949
BY ARC CENTERED AT	551744.032	4124010.779
TO	546453.326	4125707.119
BY ARC CENTERED AT	551909.502	4124658.652
TO	546864.709	4126986.569
BY STRAIGHT LINE TO	546889.049	4127342.000
BY ARC CENTERED AT	552432.067	4126962.406
TO	546910.582	4127580.743
BY STRAIGHT LINE TO	546950.229	4127934.774
BY ARC CENTERED AT	552471.714	4127316.437
TO	546973.032	4128112.448
BY ARC CENTERED AT	552529.032	4128111.268
TO	547025.558	4128873.439
BY STRAIGHT LINE TO	547083.737	4129293.537
BY ARC CENTERED AT	552587.211	4128531.366
TO	547100.933	4129408.801
BY ARC CENTERED AT	552634.562	4128910.716
TO	547103.359	4129435.051

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	547166.849	4130104.806
BY ARC CENTERED AT	552698.052	4129580.471
TO	547174.239	4130177.654
BY ARC CENTERED AT	552729.191	4130069.739
TO	547201.399	4130628.894
BY STRAIGHT LINE TO	547257.974	4131188.190
BY STRAIGHT LINE TO	547295.858	4131615.119
BY ARC CENTERED AT	552830.112	4131124.025
TO	547309.054	4131746.160
BY STRAIGHT LINE TO	547340.052	4132021.248
BY ARC CENTERED AT	552861.110	4131399.113
TO	547400.096	4132422.082
BY ARC CENTERED AT	552953.842	4132263.824
TO	547410.837	4132643.609
BY ARC CENTERED AT	552882.346	4133608.871
TO	547355.418	4133041.246
BY ARC CENTERED AT	552432.062	4135298.859
TO	547022.509	4134031.628
BY ARC CENTERED AT	552325.563	4135688.962
TO	546907.124	4134460.280
BY ARC CENTERED AT	551217.203	4137966.326
TO	546418.555	4135165.949
BY ARC CENTERED AT	551018.539	4138281.921
TO	546200.572	4135514.914

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	550926.860	4138435.759
TO	546130.358	4135631.708
BY ARC CENTERED AT	550883.381	4138508.843
TO	545996.289	4135865.840
BY ARC CENTERED AT	550852.050	4138565.973
TO	545827.135	4136195.453
BY ARC CENTERED AT	550790.046	4138693.182
TO	545267.646	4138083.076
BY ARC CENTERED AT	550409.220	4140188.628
TO	545176.912	4138319.914
BY ARC CENTERED AT	549984.055	4141105.684
TO	544659.488	4139518.826
BY ARC CENTERED AT	549843.189	4141518.420
TO	544561.236	4139795.021
BY ARC CENTERED AT	549076.680	4143032.288
TO	543952.276	4140885.285
BY ARC CENTERED AT	549066.959	4143055.344
TO	543547.326	4142420.691
BY ARC CENTERED AT	548995.473	4143510.107
TO	543442.659	4143321.968
BY ARC CENTERED AT	548989.823	4143635.195
TO	543437.968	4143849.768
BY ARC CENTERED AT	545282.485	4149090.655
TO	542623.291	4144212.354

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	544245.990	4149526.108
TO	540088.565	4145840.331
BY ARC CENTERED AT	544128.414	4149654.614
TO	539055.242	4147389.208
BY ARC CENTERED AT	542928.797	4151372.261
TO	537517.005	4150114.627
BY ARC CENTERED AT	542775.298	4151908.921
TO	537322.802	4150841.485
BY ARC CENTERED AT	542574.850	4152653.976
TO	537282.444	4150962.948
BY ARC CENTERED AT	542244.760	4153461.859
TO	536714.398	4152928.721
BY ARC CENTERED AT	542227.782	4153615.552
TO	536819.653	4154888.847
BY ARC CENTERED AT	542359.221	4154461.851
TO	536871.741	4155331.733
BY ARC CENTERED AT	542380.325	4154607.417
TO	537162.307	4156515.668
BY ARC CENTERED AT	542525.412	4157966.957
TO	537095.633	4156789.401
BY ARC CENTERED AT	542329.589	4158653.494
TO	536961.573	4157220.478
BY ARC CENTERED AT	542205.632	4159055.955
TO	536650.814	4159170.543

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	541867.982	4161081.117
TO	538372.299	4165399.604
BY ARC CENTERED AT	542462.037	4161638.863
TO	538964.558	4165955.897
BY ARC CENTERED AT	544094.652	4163822.525
TO	539000.404	4166040.130
BY STRAIGHT LINE TO	539014.130	4166630.190
BY ARC CENTERED AT	544568.627	4166500.982
TO	539014.998	4166663.294
BY STRAIGHT LINE TO	539029.062	4167144.474
BY ARC CENTERED AT	544264.881	4169003.326
TO	538814.703	4167924.117
BY ARC CENTERED AT	544152.667	4169465.309
TO	538747.184	4170749.787
BY STRAIGHT LINE TO	538697.811	4171027.752
BY STRAIGHT LINE TO	538645.952	4171273.828
BY STRAIGHT LINE TO	538580.873	4171507.894
BY ARC CENTERED AT	543933.817	4172996.224
TO	538549.239	4171626.751
BY STRAIGHT LINE TO	538450.456	4172015.152
BY ARC CENTERED AT	543835.034	4173384.625
TO	538414.077	4172167.103
BY STRAIGHT LINE TO	538273.634	4172792.418
BY STRAIGHT LINE TO	538158.407	4173218.461

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	543521.710	4174669.017
TO	538052.664	4173689.901
BY STRAIGHT LINE TO	537940.932	4174314.002
BY ARC CENTERED AT	543409.978	4175293.118
TO	537902.884	4174557.555
BY STRAIGHT LINE TO	537832.051	4175087.875
BY ARC CENTERED AT	543339.145	4175823.438
TO	537803.112	4175352.830
BY STRAIGHT LINE TO	537737.122	4176129.108
BY ARC CENTERED AT	543273.155	4176599.716
TO	537721.834	4176371.749
BY STRAIGHT LINE TO	537719.236	4176435.010
BY ARC CENTERED AT	543237.600	4177080.606
TO	537697.877	4176655.627
BY STRAIGHT LINE TO	537679.926	4176889.620
BY STRAIGHT LINE TO	537632.562	4177151.955
BY ARC CENTERED AT	543100.162	4178139.118
TO	537552.618	4177832.697
BY STRAIGHT LINE TO	537543.093	4178005.148
BY STRAIGHT LINE TO	537517.303	4178225.511
BY ARC CENTERED AT	543035.639	4178871.345
TO	537498.510	4178413.805
BY STRAIGHT LINE TO	537440.778	4179112.475
BY ARC CENTERED AT	542977.907	4179570.015

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	537437.744	4179150.816
BY ARC CENTERED AT	542546.440	4181334.931
TO	537334.808	4179409.307
BY ARC CENTERED AT	542466.366	4181539.154
TO	536985.304	4180629.705
BY STRAIGHT LINE TO	536981.012	4180655.572
BY ARC CENTERED AT	542462.074	4181565.021
TO	536910.201	4181350.916
BY STRAIGHT LINE TO	536414.395	4182722.401
BY ARC CENTERED AT	541254.386	4185450.701
TO	536322.661	4182891.947
BY ARC CENTERED AT	540691.339	4186324.699
TO	536217.410	4183030.295
BY ARC CENTERED AT	539618.846	4187423.400
TO	536102.380	4183121.818
BY ARC CENTERED AT	539601.913	4187437.187
TO	535735.930	4183446.785
BY ARC CENTERED AT	539582.510	4187455.894
TO	534734.955	4184741.056
BY ARC CENTERED AT	536798.717	4189899.546
TO	533262.820	4185613.923
BY ARC CENTERED AT	536617.726	4190042.663
TO	532578.390	4186227.837
BY ARC CENTERED AT	535891.552	4190687.892

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	531839.019	4186887.088
BY ARC CENTERED AT	533732.196	4192110.594
TO	530752.971	4187420.887
BY ARC CENTERED AT	532870.180	4192557.672
TO	530516.673	4187524.766
BY ARC CENTERED AT	532753.683	4192610.523
TO	529093.666	4188430.402
BY ARC CENTERED AT	526589.053	4193389.842
TO	524765.780	4188141.527
BY ARC CENTERED AT	526465.807	4193431.049
TO	522864.802	4189199.986
BY ARC CENTERED AT	526106.568	4193712.201
TO	522788.982	4189255.435
BY ARC CENTERED AT	525786.621	4193933.394
TO	522306.277	4189602.534
BY ARC CENTERED AT	525466.149	4194172.474
TO	522218.936	4189664.177
BY ARC CENTERED AT	524702.949	4194633.967
TO	522072.046	4189740.350
BY ARC CENTERED AT	523984.935	4194956.670
TO	521229.216	4190132.237
BY ARC CENTERED AT	523954.112	4194974.146
TO	520467.256	4190648.528
BY ARC CENTERED AT	523881.654	4195031.566

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	519038.438	4192308.994
BY ARC CENTERED AT	523826.425	4195127.561
TO	518533.066	4193439.518
BY ARC CENTERED AT	520329.168	4198697.194
TO	516310.895	4194860.188
BY ARC CENTERED AT	519534.178	4199385.625
TO	515882.270	4195198.418
BY ARC CENTERED AT	518815.342	4199917.128
TO	515409.088	4195527.758
BY ARC CENTERED AT	518771.332	4199950.930
TO	514218.388	4196766.619
BY ARC CENTERED AT	518631.778	4200141.693
TO	513180.391	4199068.606
BY ARC CENTERED AT	518624.371	4200178.659
TO	513128.603	4199362.772
BY ARC CENTERED AT	516498.639	4203780.010
TO	511505.354	4201343.570
BY ARC CENTERED AT	515007.073	4205657.165
TO	510924.570	4201888.571
BY ARC CENTERED AT	514000.745	4206515.263
TO	510121.726	4202537.532
BY ARC CENTERED AT	513155.859	4207191.903
TO	509637.662	4202891.737
BY STRAIGHT LINE TO	509504.472	4202947.341

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	508934.277	4203159.108
BY STRAIGHT LINE TO	508849.771	4203186.441
BY STRAIGHT LINE TO	508756.198	4203207.608
BY ARC CENTERED AT	503400.474	4204685.903
TO	504860.726	4199325.231
BY ARC CENTERED AT	503059.019	4204580.989
TO	503360.005	4199033.148
BY ARC CENTERED AT	502919.984	4204571.696
TO	502986.308	4199016.092
BY ARC CENTERED AT	502715.087	4204565.468
TO	502923.277	4199013.370
BY ARC CENTERED AT	502644.349	4204562.364
TO	500986.539	4199259.459
BY ARC CENTERED AT	501366.127	4204802.477
TO	500273.704	4199354.932
BY ARC CENTERED AT	500548.986	4204904.108
TO	499617.752	4199426.705
BY ARC CENTERED AT	500492.884	4204913.351
TO	499567.190	4199435.009
BY ARC CENTERED AT	499648.934	4204990.408
TO	498725.734	4199511.646
BY ARC CENTERED AT	498692.801	4205067.548
TO	497334.287	4199680.195
BY ARC CENTERED AT	498617.191	4205086.052

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	497283.851	4199692.413
BY ARC CENTERED AT	497965.976	4205206.381
TO	495900.986	4200048.382
BY ARC CENTERED AT	497895.251	4205234.136
TO	494525.385	4200816.768
BY ARC CENTERED AT	497870.864	4205252.634
TO	494184.027	4201096.149
BY ARC CENTERED AT	497817.706	4205299.185
TO	492442.256	4206704.060
BY ARC CENTERED AT	497860.924	4205476.390
TO	493333.966	4208697.537
BY ARC CENTERED AT	498090.272	4205825.832
TO	494507.880	4210072.666
BY ARC CENTERED AT	499680.016	4208043.346
TO	494662.387	4210429.249
BY STRAIGHT LINE TO	494711.333	4210532.184
BY STRAIGHT LINE TO	495778.896	4213345.285
BY STRAIGHT LINE TO	497134.838	4217043.405
BY STRAIGHT LINE TO	497828.252	4219139.959
BY STRAIGHT LINE TO	498052.252	4219871.903
BY ARC CENTERED AT	503365.030	4218246.012
TO	498170.462	4220217.204
BY STRAIGHT LINE TO	498336.089	4220825.491
BY ARC CENTERED AT	503696.919	4219365.821

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	498344.105	4220854.620
BY STRAIGHT LINE TO	498465.061	4221289.504
BY STRAIGHT LINE TO	498644.517	4222030.767
BY STRAIGHT LINE TO	498703.144	4222275.545
BY ARC CENTERED AT	502797.327	4226031.447
TO	498039.370	4223162.479
BY ARC CENTERED AT	502767.629	4226080.132
TO	497553.952	4224160.053
BY ARC CENTERED AT	502762.272	4226094.616
TO	497207.620	4226216.995
BY ARC CENTERED AT	502026.078	4228983.147
TO	496804.887	4227083.594
BY ARC CENTERED AT	500439.547	4231285.782
TO	496312.222	4227566.330
BY ARC CENTERED AT	500418.880	4231308.588
TO	494948.772	4230335.421
BY STRAIGHT LINE TO	491561.250	4234281.180
BY ARC CENTERED AT	494660.824	4238892.229
TO	490351.734	4235384.969
BY ARC CENTERED AT	494465.689	4239119.203
TO	490208.216	4235549.461
BY ARC CENTERED AT	494281.241	4239328.297
TO	489852.867	4235972.907
BY ARC CENTERED AT	494266.924	4239347.109

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	489188.061	4237094.491
BY ARC CENTERED AT	494228.609	4239431.586
TO	489019.891	4237498.092
BY ARC CENTERED AT	494221.821	4239449.775
TO	488886.649	4237898.943
BY ARC CENTERED AT	494146.701	4239688.075
TO	488864.793	4237964.537
BY ARC CENTERED AT	493216.735	4241418.482
TO	488346.893	4238743.829
BY ARC CENTERED AT	493170.426	4241501.121
TO	487899.399	4239744.588
BY ARC CENTERED AT	493093.880	4241716.009
TO	488210.865	4244366.537
BY ARC CENTERED AT	492721.883	4247609.969
TO	487782.267	4245066.481
BY ARC CENTERED AT	492405.750	4248147.478
TO	487342.773	4245859.378
BY ARC CENTERED AT	491551.919	4249485.978
TO	486567.021	4247032.424
BY ARC CENTERED AT	490908.530	4250499.474
TO	486129.819	4247665.209
BY ARC CENTERED AT	490603.697	4250959.682
TO	485434.186	4248923.683
BY ARC CENTERED AT	490401.478	4251412.688

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	485338.861	4249123.792
BY ARC CENTERED AT	489386.827	4252929.460
TO	484801.439	4249792.048
BY ARC CENTERED AT	487567.938	4254610.307
TO	482241.391	4253030.105
BY ARC CENTERED AT	486458.391	4256647.570
TO	481633.689	4253892.323
BY ARC CENTERED AT	485994.491	4257335.075
TO	481454.069	4254132.934
BY ARC CENTERED AT	484479.985	4258792.652
TO	480646.268	4254771.240
BY ARC CENTERED AT	484226.016	4259020.304
TO	480505.612	4254893.837
BY ARC CENTERED AT	481369.369	4260382.285
TO	478013.764	4255954.074
BY ARC CENTERED AT	479425.520	4261327.721
TO	477306.778	4256191.568
BY ARC CENTERED AT	479367.446	4261351.295
TO	475481.004	4257380.816
BY ARC CENTERED AT	477426.341	4262585.122
TO	472860.020	4259420.024
BY ARC CENTERED AT	477117.741	4262989.470
TO	472607.882	4259744.427
BY ARC CENTERED AT	477099.408	4263014.798

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	472200.042	4260394.616
BY ARC CENTERED AT	475615.656	4264776.707
TO	471525.259	4261016.682
BY ARC CENTERED AT	475576.320	4264819.055
TO	471326.657	4261240.019
BY ARC CENTERED AT	474015.194	4266102.210
TO	471185.947	4261320.526
BY ARC CENTERED AT	473973.394	4266126.697
TO	470464.731	4261818.748
BY ARC CENTERED AT	473409.482	4266530.179
TO	468952.427	4263212.982
BY ARC CENTERED AT	471771.764	4268000.515
TO	468787.658	4263313.912
BY ARC CENTERED AT	470999.265	4268410.767
TO	467100.903	4264451.990
BY ARC CENTERED AT	470910.275	4268496.471
TO	466484.147	4265138.120
BY ARC CENTERED AT	470685.739	4268773.468
TO	466090.033	4265651.189
BY ARC CENTERED AT	470373.408	4269189.810
TO	464968.738	4267901.913
BY ARC CENTERED AT	468748.463	4271974.113
TO	464530.228	4268358.089
BY ARC CENTERED AT	467868.113	4272799.672

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	464428.727	4268436.214
BY ARC CENTERED AT	467808.315	4272846.149
TO	463793.823	4269005.186
BY ARC CENTERED AT	467686.425	4272969.627
TO	462544.816	4270864.160
BY ARC CENTERED AT	467682.114	4272980.124
TO	462423.199	4271187.653
BY ARC CENTERED AT	467598.148	4273209.791
TO	462316.971	4271484.013
BY ARC CENTERED AT	466904.992	4274617.574
TO	462103.328	4271822.371
BY ARC CENTERED AT	466196.412	4275579.471
TO	462067.981	4271861.247
BY ARC CENTERED AT	465931.851	4275853.695
TO	461111.910	4273090.128
BY ARC CENTERED AT	465300.776	4276740.133
TO	460173.543	4274599.896
BY ARC CENTERED AT	464061.539	4278568.853
TO	458863.110	4276607.866
BY ARC CENTERED AT	464055.806	4278583.984
TO	458726.175	4277014.217
BY ARC CENTERED AT	462388.517	4281192.301
TO	458412.314	4277311.715
BY ARC CENTERED AT	462054.161	4281507.676

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	456664.436	4280158.601
BY ARC CENTERED AT	462048.943	4281528.354
TO	456647.170	4280228.362
BY ARC CENTERED AT	460529.398	4284202.961
TO	455893.178	4281141.164
BY ARC CENTERED AT	458262.507	4286166.641
TO	454731.798	4281876.742
BY ARC CENTERED AT	457946.726	4286408.119
TO	453685.873	4282842.412
BY ARC CENTERED AT	456019.503	4287884.565
TO	453638.349	4282864.681
BY ARC CENTERED AT	455192.195	4288198.975
TO	451429.562	4284110.977
BY ARC CENTERED AT	454807.273	4288522.349
TO	450759.630	4284716.338
BY ARC CENTERED AT	453976.173	4289246.568
TO	449224.032	4286367.976
BY ARC CENTERED AT	453934.083	4289314.933
TO	448732.689	4287361.825
BY ARC CENTERED AT	452920.151	4291013.440
TO	448361.995	4287836.594
BY ARC CENTERED AT	451577.851	4292367.312
TO	447063.419	4289128.633
BY ARC CENTERED AT	448666.236	4294448.418

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	446204.272	4289467.668
BY ARC CENTERED AT	448599.382	4294480.909
TO	445051.369	4290205.311
BY ARC CENTERED AT	448482.750	4294575.066
TO	444470.772	4290731.478
BY ARC CENTERED AT	448408.221	4294651.380
TO	444011.033	4291255.225
BY ARC CENTERED AT	447843.265	4295278.051
TO	443103.344	4292379.381
BY ARC CENTERED AT	447632.856	4295596.936
TO	442671.483	4293096.154
BY ARC CENTERED AT	444901.305	4298185.066
TO	441023.314	4294206.332
BY ARC CENTERED AT	444890.766	4298195.311
TO	440109.470	4295365.408
BY ARC CENTERED AT	444880.279	4298212.955
TO	439845.697	4295863.037
BY ARC CENTERED AT	442661.679	4300652.544
TO	437205.849	4299602.282
BY ARC CENTERED AT	440981.619	4303678.149
TO	436600.938	4300260.727
BY ARC CENTERED AT	440957.987	4303708.228
TO	436064.761	4301076.598
BY ARC CENTERED AT	438866.259	4305874.592

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	434733.468	4302161.214
BY ARC CENTERED AT	438846.912	4305896.012
TO	434040.327	4303109.280
BY ARC CENTERED AT	437130.817	4307726.423
TO	433085.958	4303917.453
BY ARC CENTERED AT	436851.234	4308003.017
TO	431346.497	4307250.022
BY ARC CENTERED AT	436843.938	4308054.555
TO	431308.632	4307575.464
BY ARC CENTERED AT	436755.888	4308669.330
TO	431227.240	4308118.707
BY ARC CENTERED AT	436674.503	4309212.535
TO	431225.370	4308128.062
BY ARC CENTERED AT	436456.169	4310000.994
TO	431028.536	4308813.587
BY ARC CENTERED AT	435558.475	4312030.540
TO	430421.149	4309914.643
BY ARC CENTERED AT	435294.122	4312583.589
TO	433780.634	4317929.474
BY ARC CENTERED AT	438846.472	4315647.715
TO	433993.315	4318352.526
BY STRAIGHT LINE TO	434077.179	4318554.070
BY STRAIGHT LINE TO	434162.047	4318766.371
BY ARC CENTERED AT	439500.757	4317227.763

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	434247.861	4319037.795
BY ARC CENTERED AT	439802.631	4318920.903
TO	434259.484	4319298.598
BY ARC CENTERED AT	439782.726	4319901.035
TO	434241.350	4320303.890
BY ARC CENTERED AT	439661.502	4321524.993
TO	434127.790	4322022.155
BY ARC CENTERED AT	439035.977	4324625.775
TO	433632.669	4323332.178
BY ARC CENTERED AT	438941.805	4324969.922
TO	433607.685	4323415.477
BY ARC CENTERED AT	438181.563	4326569.645
TO	433426.617	4323695.689
BY ARC CENTERED AT	437625.423	4327334.255
TO	432103.483	4326719.996
BY ARC CENTERED AT	437623.403	4327352.150
TO	432070.751	4327544.991
BY ARC CENTERED AT	436884.312	4330319.655
TO	431478.170	4329037.950
BY ARC CENTERED AT	435879.271	4332429.034
TO	430382.445	4331620.309
BY ARC CENTERED AT	435779.276	4332940.668
TO	430225.183	4333086.222
BY ARC CENTERED AT	434602.998	4336507.314

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	429551.616	4334193.728
BY ARC CENTERED AT	434224.163	4337199.796
TO	429439.813	4334375.060
BY ARC CENTERED AT	433443.974	4338226.791
TO	428209.110	4336365.249
BY ARC CENTERED AT	432998.015	4339182.256
TO	427468.556	4338639.836
BY ARC CENTERED AT	432526.007	4340940.124
TO	426977.811	4341234.492
BY ARC CENTERED AT	432472.147	4342059.964
TO	426922.781	4341788.532
BY ARC CENTERED AT	432398.348	4342730.500
TO	426867.427	4342203.192
BY ARC CENTERED AT	432311.335	4343313.600
TO	426783.094	4342758.903
BY ARC CENTERED AT	431847.419	4345044.018
TO	426463.858	4343670.553
BY ARC CENTERED AT	431179.702	4346608.231
TO	426463.321	4343671.416
BY ARC CENTERED AT	430931.527	4346973.577
TO	425486.361	4345869.358
BY ARC CENTERED AT	430765.968	4347599.931
TO	425307.356	4346564.221
BY ARC CENTERED AT	430694.090	4347925.190

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	425212.061	4347021.592
BY ARC CENTERED AT	430552.787	4348553.185
TO	424999.464	4348380.744
BY ARC CENTERED AT	429913.461	4350973.381
TO	424587.875	4349389.946
BY ARC CENTERED AT	429843.100	4351193.205
TO	424404.672	4350056.261
BY ARC CENTERED AT	429613.401	4351989.725
TO	424083.321	4352525.776
BY ARC CENTERED AT	428702.456	4355613.288
TO	423903.251	4352813.865
BY ARC CENTERED AT	428523.863	4355899.166
TO	423813.556	4352952.618
BY ARC CENTERED AT	428484.693	4355960.876
TO	423038.644	4357060.735
BY ARC CENTERED AT	428584.312	4356722.052
TO	423054.501	4357260.868
BY ARC CENTERED AT	428559.302	4358013.396
TO	423502.776	4360315.716
BY ARC CENTERED AT	429043.707	4359906.795
TO	423578.561	4360907.451
BY ARC CENTERED AT	429130.267	4360689.063
TO	423598.291	4361205.186
BY ARC CENTERED AT	429112.914	4361881.998

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	423558.593	4361745.414
BY ARC CENTERED AT	429082.210	4362344.407
TO	423718.131	4363792.092
BY ARC CENTERED AT	429086.172	4362359.168
TO	423746.627	4363894.874
BY ARC CENTERED AT	429300.166	4364060.220
TO	423770.762	4364603.204
BY ARC CENTERED AT	429221.888	4365677.618
TO	424043.123	4367689.962
BY ARC CENTERED AT	429561.332	4367043.043
TO	424725.190	4369778.160
BY ARC CENTERED AT	430178.499	4368714.885
TO	424973.838	4370659.273
BY ARC CENTERED AT	430485.857	4371356.975
TO	425872.118	4374452.545
BY ARC CENTERED AT	430686.791	4371679.809
TO	426725.184	4375575.294
BY ARC CENTERED AT	430777.215	4371773.955
TO	427564.982	4376307.242
BY ARC CENTERED AT	432403.005	4373575.454
TO	427630.794	4376420.649
BY STRAIGHT LINE TO	427734.383	4376727.124
BY ARC CENTERED AT	432997.848	4374948.059
TO	427767.402	4376821.978

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	427874.127	4377119.868
BY ARC CENTERED AT	433292.258	4375889.828
TO	428016.047	4377630.727
BY ARC CENTERED AT	432927.780	4380227.651
TO	427373.827	4380378.446
BY ARC CENTERED AT	432346.355	4382856.973
TO	426976.563	4381430.624
BY ARC CENTERED AT	432147.018	4383464.225
TO	426841.854	4381813.659
BY ARC CENTERED AT	432077.301	4383673.559
TO	426556.740	4383047.030
BY ARC CENTERED AT	432075.528	4383688.989
TO	426548.197	4384252.679
BY ARC CENTERED AT	432103.142	4384144.416
TO	426680.510	4385354.458
BY ARC CENTERED AT	432109.850	4384174.879
TO	426688.443	4385390.396
BY ARC CENTERED AT	432178.349	4386244.835
TO	426623.620	4386363.660
BY ARC CENTERED AT	432158.383	4386848.976
TO	426608.453	4386589.337
BY ARC CENTERED AT	432005.823	4387907.492
TO	426494.281	4388608.946
BY ARC CENTERED AT	432044.145	4388869.987

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	426492.269	4389084.016
BY ARC CENTERED AT	431972.304	4389999.632
TO	426432.494	4389575.788
BY ARC CENTERED AT	431776.339	4391096.465
TO	426255.315	4391718.905
BY ARC CENTERED AT	430970.203	4394658.117
TO	426249.356	4391728.485
BY ARC CENTERED AT	430464.829	4395347.729
TO	425996.535	4392045.686
BY ARC CENTERED AT	429091.094	4396660.103
TO	424483.627	4393555.206
BY ARC CENTERED AT	428690.679	4397184.235
TO	423854.092	4394449.905
BY ARC CENTERED AT	428610.053	4397322.181
TO	423054.220	4397279.078
BY ARC CENTERED AT	428207.609	4399355.546
TO	422652.002	4399289.438
BY ARC CENTERED AT	428010.556	4400757.443
TO	422456.577	4400607.585
BY ARC CENTERED AT	427912.610	4401656.796
TO	422358.025	4401782.170
BY ARC CENTERED AT	427912.591	4401908.383
TO	422482.208	4403083.151
BY ARC CENTERED AT	428015.834	4403581.271

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	422460.585	4403489.944
BY ARC CENTERED AT	428013.408	4403677.797
TO	422463.947	4403947.285
BY ARC CENTERED AT	427561.253	4406157.853
TO	422073.339	4405290.712
BY ARC CENTERED AT	427433.234	4406753.811
TO	421941.680	4405910.027
BY ARC CENTERED AT	424373.935	4410905.352
TO	420828.763	4406627.398
BY ARC CENTERED AT	423841.378	4411295.726
TO	420634.808	4406758.431
BY ARC CENTERED AT	423648.740	4411425.909
TO	419346.241	4407910.565
BY ARC CENTERED AT	422365.363	4412574.688
TO	417472.244	4409942.860
BY ARC CENTERED AT	422230.887	4412810.690
TO	417222.483	4410405.481
BY ARC CENTERED AT	422025.960	4413197.568
TO	416778.575	4411371.620
BY ARC CENTERED AT	421868.253	4413599.694
TO	416766.699	4411398.949
BY ARC CENTERED AT	421798.325	4413755.190
TO	416395.433	4412459.853
BY ARC CENTERED AT	421697.980	4414118.809

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	416203.347	4413295.316
BY ARC CENTERED AT	421361.263	4415360.512
TO	415972.948	4414005.817
BY ARC CENTERED AT	420816.018	4416728.648
TO	415890.169	4414158.599
BY ARC CENTERED AT	419485.748	4418394.275
TO	415182.191	4414880.227
BY ARC CENTERED AT	418690.668	4419188.327
TO	415069.364	4414974.624
BY ARC CENTERED AT	418584.067	4419277.646
TO	414034.521	4416088.482
BY ARC CENTERED AT	418264.172	4419691.146
TO	413841.845	4416327.791
BY ARC CENTERED AT	418121.515	4419870.891
TO	413162.891	4417364.661
BY ARC CENTERED AT	418099.658	4419913.675
TO	413034.303	4417630.845
BY ARC CENTERED AT	418032.819	4420056.535
TO	412868.279	4418007.958
BY ARC CENTERED AT	417120.455	4421584.009
TO	411806.583	4419961.696
BY ARC CENTERED AT	416045.554	4423553.389
TO	411354.158	4420576.824
BY ARC CENTERED AT	415562.748	4424204.069

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	410741.506	4421442.772
BY ARC CENTERED AT	415112.958	4424871.991
TO	410454.409	4421844.276
BY ARC CENTERED AT	414898.116	4425179.333
TO	410279.474	4422091.084
BY ARC CENTERED AT	414425.027	4425790.209
TO	409819.396	4422682.590
BY ARC CENTERED AT	413250.861	4427052.279
TO	408129.329	4424898.433
BY ARC CENTERED AT	412081.766	4428803.223
TO	408100.548	4424927.783
BY ARC CENTERED AT	409052.831	4430401.565
TO	407475.926	4425074.041
BY ARC CENTERED AT	408667.082	4430500.853
TO	405283.592	4426093.912
BY ARC CENTERED AT	408359.137	4430721.023
TO	404502.704	4426721.390
BY ARC CENTERED AT	408089.894	4430964.173
TO	403283.650	4428176.853
BY ARC CENTERED AT	407681.890	4431571.646
TO	402129.387	4431374.543
BY ARC CENTERED AT	407675.463	4431706.477
TO	402200.498	4432651.935
BY ARC CENTERED AT	407750.298	4432914.332

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	402198.906	4432688.107
BY ARC CENTERED AT	407744.751	4433023.866
TO	402276.470	4434007.246
BY STRAIGHT LINE TO	402281.602	4434100.151
BY ARC CENTERED AT	407494.399	4436022.620
TO	402267.511	4434138.799
BY ARC CENTERED AT	407450.345	4436140.641
TO	402194.472	4434339.270
BY ARC CENTERED AT	406838.049	4437389.898
TO	401836.451	4434970.569
BY ARC CENTERED AT	405748.136	4438916.181
TO	401231.932	4435679.974
BY ARC CENTERED AT	404535.384	4440147.226
TO	401144.075	4435746.299
BY ARC CENTERED AT	403339.040	4440850.343
TO	400734.573	4435942.606
BY ARC CENTERED AT	402054.449	4441339.555
TO	400015.498	4436171.207
BY ARC CENTERED AT	401846.389	4441416.870
TO	399315.706	4436470.682
BY ARC CENTERED AT	400206.556	4441954.797
TO	396655.812	4437681.466
BY ARC CENTERED AT	398764.033	4442821.947
TO	394745.097	4438985.635

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	398716.634	4442870.996
TO	393973.544	4439977.515
BY ARC CENTERED AT	398368.099	4443377.077
TO	393652.175	4440439.528
BY ARC CENTERED AT	397888.626	4444034.193
TO	392951.054	4441486.739
BY ARC CENTERED AT	397525.690	4444639.808
TO	392600.316	4442068.849
BY ARC CENTERED AT	396115.936	4446371.122
TO	391710.985	4442985.041
BY ARC CENTERED AT	395362.977	4447172.175
TO	391552.399	4443128.831
BY ARC CENTERED AT	395106.585	4447399.299
TO	391451.958	4443214.465
BY ARC CENTERED AT	394689.355	4447729.816
TO	391359.957	4443281.868
BY ARC CENTERED AT	392835.175	4448638.440
TO	389738.457	4444025.472
BY ARC CENTERED AT	392806.352	4448657.659
TO	388987.404	4444622.219
BY ARC CENTERED AT	392764.564	4448696.799
TO	388710.406	4444897.729
BY ARC CENTERED AT	391763.012	4449540.005
TO	387617.100	4445841.282

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	389828.034	4450938.429
TO	385138.890	4447958.318
BY ARC CENTERED AT	388666.595	4452250.687
TO	384313.509	4448798.184
BY ARC CENTERED AT	387476.159	4453366.201
TO	382826.646	4450324.628
BY ARC CENTERED AT	386378.808	4454596.780
TO	382169.986	4450969.804
BY ARC CENTERED AT	383628.846	4456330.855
TO	378105.731	4456934.455
BY ARC CENTERED AT	383629.947	4456341.016
TO	378115.764	4457021.397
BY ARC CENTERED AT	383612.936	4457827.767
TO	378056.936	4457828.203
BY ARC CENTERED AT	383600.675	4458197.112
TO	378156.892	4459308.133
BY ARC CENTERED AT	383682.860	4458731.229
TO	378347.850	4460282.617
BY ARC CENTERED AT	383902.887	4460179.174
TO	379017.562	4462825.442
BY ARC CENTERED AT	384214.905	4464789.306
TO	378855.446	4463324.611
BY ARC CENTERED AT	383942.780	4465558.031
TO	378398.562	4465919.672

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	383810.128	4467178.279
TO	378322.961	4468050.138
BY ARC CENTERED AT	383813.268	4467198.276
TO	378336.955	4468135.894
BY ARC CENTERED AT	383209.733	4470805.195
TO	378331.479	4468145.914
BY ARC CENTERED AT	381596.780	4472641.128
TO	378084.936	4468335.772
BY ARC CENTERED AT	381570.004	4472662.831
TO	376807.475	4469801.458
BY ARC CENTERED AT	381528.166	4472731.341
TO	376716.566	4469953.277
BY ARC CENTERED AT	380219.601	4474265.803
TO	374794.247	4473068.024
BY ARC CENTERED AT	375375.515	4478593.534
TO	373584.209	4483852.846
BY ARC CENTERED AT	375604.770	4478677.281
TO	375835.767	4484228.477
BY ARC CENTERED AT	381249.670	4485476.992
TO	377328.211	4489412.891
BY ARC CENTERED AT	382185.380	4486715.290
TO	379176.110	4491385.775
BY ARC CENTERED AT	384321.628	4489289.878
TO	379244.654	4491546.751

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	379299.163	4491669.372
BY STRAIGHT LINE TO	379310.633	4491706.454
BY ARC CENTERED AT	384618.516	4490064.651
TO	379528.585	4492292.147
BY STRAIGHT LINE TO	379683.430	4492645.975
BY ARC CENTERED AT	384773.361	4490418.479
TO	379729.999	4492749.495
BY STRAIGHT LINE TO	379937.181	4493197.751
BY STRAIGHT LINE TO	380016.520	4493397.596
BY ARC CENTERED AT	385345.677	4491826.219
TO	380214.606	4493957.238
BY STRAIGHT LINE TO	380508.874	4494665.777
BY ARC CENTERED AT	385639.945	4492534.758
TO	380667.169	4495012.788
BY STRAIGHT LINE TO	380864.862	4495409.509
BY STRAIGHT LINE TO	380995.659	4495758.702
BY ARC CENTERED AT	386198.644	4493809.836
TO	380999.199	4495768.127
BY STRAIGHT LINE TO	381307.691	4496587.202
BY ARC CENTERED AT	386507.136	4494628.911
TO	381308.267	4496588.731
BY STRAIGHT LINE TO	381487.101	4497063.129
BY ARC CENTERED AT	386685.970	4495103.309
TO	381649.793	4497449.808

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	381892.793	4497971.347
BY ARC CENTERED AT	386928.970	4495624.848
TO	381895.264	4497976.644
BY STRAIGHT LINE TO	382027.957	4498260.655
BY STRAIGHT LINE TO	382179.561	4498665.344
BY ARC CENTERED AT	387382.459	4496716.245
TO	382430.517	4499235.652
BY STRAIGHT LINE TO	382559.138	4499488.459
BY ARC CENTERED AT	387511.080	4496969.052
TO	382743.623	4499822.206
BY STRAIGHT LINE TO	382754.139	4499839.777
BY ARC CENTERED AT	387757.428	4497423.948
TO	382850.704	4500030.323
BY STRAIGHT LINE TO	383186.157	4500661.842
BY ARC CENTERED AT	388092.881	4498055.467
TO	383424.148	4501067.454
BY STRAIGHT LINE TO	383472.948	4501143.097
BY ARC CENTERED AT	388626.890	4499068.002
TO	383584.071	4501400.194
BY STRAIGHT LINE TO	383823.468	4501917.834
BY ARC CENTERED AT	388866.287	4499585.642
TO	383891.750	4502060.135
BY STRAIGHT LINE TO	383899.773	4502076.263
BY STRAIGHT LINE TO	383906.378	4502093.529

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	389095.626	4500108.375
TO	384144.851	4502630.073
BY STRAIGHT LINE TO	384438.456	4503206.499
BY STRAIGHT LINE TO	384640.274	4503662.730
BY ARC CENTERED AT	389721.335	4501415.075
TO	384691.727	4503775.622
BY STRAIGHT LINE TO	384794.935	4503995.526
BY STRAIGHT LINE TO	384922.055	4504270.552
BY ARC CENTERED AT	389965.384	4501939.464
TO	385109.841	4504639.989
BY STRAIGHT LINE TO	385151.957	4504734.259
BY ARC CENTERED AT	390224.726	4502467.952
TO	385250.881	4504943.837
BY STRAIGHT LINE TO	385471.534	4505387.109
BY STRAIGHT LINE TO	385684.712	4505845.113
BY ARC CENTERED AT	390721.812	4503500.597
TO	385794.814	4506068.442
BY STRAIGHT LINE TO	386075.086	4506606.208
BY ARC CENTERED AT	391002.084	4504038.363
TO	386327.559	4507041.353
BY STRAIGHT LINE TO	386476.705	4507340.621
BY STRAIGHT LINE TO	386530.419	4507459.174
BY ARC CENTERED AT	391591.210	4505166.244
TO	386847.239	4508058.281

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	387069.327	4508422.585
BY STRAIGHT LINE TO	387238.018	4508704.608
BY ARC CENTERED AT	392006.152	4505852.586
TO	387249.171	4508723.173
BY STRAIGHT LINE TO	387489.935	4509122.154
BY ARC CENTERED AT	392246.916	4506251.567
TO	387583.367	4509271.575
BY STRAIGHT LINE TO	387737.535	4509509.644
BY ARC CENTERED AT	392649.651	4506913.444
TO	387988.605	4509937.313
BY STRAIGHT LINE TO	388231.381	4510311.533
BY STRAIGHT LINE TO	388530.535	4510789.532
BY STRAIGHT LINE TO	389014.361	4511590.689
BY STRAIGHT LINE TO	389106.068	4511743.297
BY STRAIGHT LINE TO	389245.824	4512052.267
BY ARC CENTERED AT	394308.042	4509762.489
TO	389481.796	4512515.030
BY ARC CENTERED AT	394967.587	4513395.501
TO	390100.583	4516075.315
BY STRAIGHT LINE TO	390107.323	4516087.556
BY ARC CENTERED AT	394974.327	4513407.742
TO	390949.636	4517238.016
BY STRAIGHT LINE TO	391271.376	4517576.086
BY ARC CENTERED AT	395425.702	4513886.817

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	392781.547	4518773.286
BY STRAIGHT LINE TO	392939.125	4519043.977
BY ARC CENTERED AT	397740.788	4516248.773
TO	392948.253	4519059.599
BY STRAIGHT LINE TO	393112.805	4519340.165
BY STRAIGHT LINE TO	393343.621	4519782.259
BY ARC CENTERED AT	398268.763	4517210.856
TO	393365.575	4519823.877
BY STRAIGHT LINE TO	393557.788	4520184.554
BY ARC CENTERED AT	398460.976	4517571.533
TO	393631.162	4520317.809
BY STRAIGHT LINE TO	393868.343	4520734.933
BY STRAIGHT LINE TO	393985.481	4520969.935
BY STRAIGHT LINE TO	394202.855	4521414.855
BY ARC CENTERED AT	399194.911	4518975.899
TO	394285.662	4521577.515
BY STRAIGHT LINE TO	394412.883	4521817.581
BY ARC CENTERED AT	399322.132	4519215.965
TO	394545.447	4522053.644
BY ARC CENTERED AT	399541.344	4519622.563
TO	394586.583	4522136.421
BY STRAIGHT LINE TO	395028.569	4523007.566
BY STRAIGHT LINE TO	395258.306	4523520.209
BY ARC CENTERED AT	400328.461	4521248.059

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	395272.191	4523550.941
BY STRAIGHT LINE TO	395506.320	4524065.001
BY ARC CENTERED AT	400562.590	4521762.119
TO	395536.294	4524129.710
BY STRAIGHT LINE TO	395797.157	4524683.511
BY ARC CENTERED AT	400823.453	4522315.920
TO	395833.290	4524758.749
BY STRAIGHT LINE TO	396079.615	4525261.936
BY STRAIGHT LINE TO	396291.113	4525745.037
BY ARC CENTERED AT	401380.735	4523516.834
TO	396468.941	4526113.643
BY ARC CENTERED AT	401587.458	4523952.643
TO	396550.306	4526297.048
BY STRAIGHT LINE TO	396670.533	4526555.366
BY STRAIGHT LINE TO	396797.761	4526841.106
BY STRAIGHT LINE TO	396848.355	4526956.297
BY STRAIGHT LINE TO	396968.972	4527256.664
BY ARC CENTERED AT	402124.799	4525186.256
TO	397063.868	4527478.877
BY STRAIGHT LINE TO	397222.366	4527828.760
BY ARC CENTERED AT	402589.265	4526391.564
TO	397251.077	4527931.981
BY STRAIGHT LINE TO	397332.999	4528215.875
BY ARC CENTERED AT	402671.187	4526675.458

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	397465.470	4528617.015
BY STRAIGHT LINE TO	397597.220	4528970.264
BY ARC CENTERED AT	402802.937	4527028.707
TO	397822.947	4529492.208
BY STRAIGHT LINE TO	397851.198	4529569.362
BY STRAIGHT LINE TO	397966.100	4529894.370
BY STRAIGHT LINE TO	397997.406	4529983.417
BY STRAIGHT LINE TO	398026.478	4530096.102
BY ARC CENTERED AT	403406.314	4528708.116
TO	398272.397	4530832.272
BY STRAIGHT LINE TO	398318.677	4530944.126
BY STRAIGHT LINE TO	398338.528	4531012.593
BY ARC CENTERED AT	403674.774	4529465.463
TO	398400.893	4531213.408
BY STRAIGHT LINE TO	398476.062	4531440.209
BY STRAIGHT LINE TO	398531.742	4531655.008
BY ARC CENTERED AT	403909.988	4530260.876
TO	398565.997	4531781.038
BY STRAIGHT LINE TO	398697.896	4532244.717
BY ARC CENTERED AT	404041.887	4530724.555
TO	398770.647	4532480.450
BY STRAIGHT LINE TO	398809.306	4532596.505
BY STRAIGHT LINE TO	398828.224	4532677.889
BY ARC CENTERED AT	404239.938	4531419.919

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	398996.552	4533257.319
BY STRAIGHT LINE TO	399018.272	4533319.303
BY STRAIGHT LINE TO	399038.523	4533398.735
BY STRAIGHT LINE TO	399054.497	4533503.979
BY ARC CENTERED AT	404547.586	4532670.246
TO	399180.149	4534105.429
BY STRAIGHT LINE TO	399232.113	4534373.295
BY ARC CENTERED AT	404686.428	4533315.192
TO	399346.358	4534849.071
BY STRAIGHT LINE TO	399525.593	4535473.063
BY STRAIGHT LINE TO	399595.793	4535807.945
BY ARC CENTERED AT	405033.600	4534668.037
TO	399671.247	4536122.103
BY STRAIGHT LINE TO	399819.507	4536668.861
BY ARC CENTERED AT	405181.860	4535214.795
TO	399922.159	4537004.958
BY STRAIGHT LINE TO	399996.252	4537361.303
BY STRAIGHT LINE TO	400049.827	4537744.570
BY ARC CENTERED AT	405552.327	4536975.394
TO	400059.294	4537809.497
BY STRAIGHT LINE TO	400086.357	4537987.722
BY ARC CENTERED AT	405579.390	4537153.619
TO	400263.097	4538767.981
BY STRAIGHT LINE TO	400429.643	4539316.437

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	400432.863	4539327.902
BY ARC CENTERED AT	403154.296	4544171.758
TO	397937.294	4542260.730
BY ARC CENTERED AT	402595.375	4545289.165
TO	397741.807	4542585.092
BY ARC CENTERED AT	402395.483	4545620.291
TO	397720.029	4542618.748
BY ARC CENTERED AT	401650.505	4546545.641
TO	396103.824	4546223.981
BY ARC CENTERED AT	401422.206	4547831.447
TO	395866.241	4547851.290
BY ARC CENTERED AT	401275.696	4549118.940
TO	395749.524	4548543.993
BY ARC CENTERED AT	400457.598	4551494.108
TO	395114.533	4553017.523
BY ARC CENTERED AT	400544.445	4554194.464
TO	394992.682	4554411.417
BY ARC CENTERED AT	400545.564	4554225.292
TO	398948.550	4559546.822
BY ARC CENTERED AT	402503.757	4555277.204
TO	399745.726	4560100.315
BY STRAIGHT LINE TO	399978.553	4560833.613
BY ARC CENTERED AT	405274.040	4559152.257
TO	400078.908	4561121.962

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	400449.483	4562099.361
BY STRAIGHT LINE TO	400868.177	4563268.860
BY STRAIGHT LINE TO	401148.937	4564119.241
BY ARC CENTERED AT	406666.604	4563467.713
TO	401359.170	4565110.964
BY ARC CENTERED AT	406827.333	4566094.999
TO	401384.737	4567211.818
BY ARC CENTERED AT	406861.555	4566277.152
TO	401407.398	4567336.072
BY ARC CENTERED AT	406954.377	4567019.585
TO	402341.651	4570116.663
BY ARC CENTERED AT	407743.710	4568817.859
TO	402470.474	4570567.751
BY ARC CENTERED AT	407778.844	4568927.523
TO	402724.356	4571234.316
BY ARC CENTERED AT	408115.391	4572578.147
TO	402616.761	4571781.779
BY ARC CENTERED AT	401385.761	4577199.691
TO	404849.571	4581543.785
BY STRAIGHT LINE TO	405003.429	4583197.377
BY ARC CENTERED AT	410535.534	4582682.645
TO	405112.312	4583890.038
BY STRAIGHT LINE TO	405150.287	4584060.612
BY STRAIGHT LINE TO	405182.709	4584464.181

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	410720.866	4584019.263
TO	405292.734	4585204.389
BY STRAIGHT LINE TO	405337.281	4585408.420
BY STRAIGHT LINE TO	405371.474	4586024.491
BY ARC CENTERED AT	410918.936	4585716.595
TO	405390.761	4586271.952
BY STRAIGHT LINE TO	405443.159	4586793.531
BY STRAIGHT LINE TO	405463.491	4587255.494
BY STRAIGHT LINE TO	405462.958	4587325.279
BY ARC CENTERED AT	410740.782	4589061.284
TO	405190.353	4589310.023
BY ARC CENTERED AT	410746.276	4589280.822
TO	405190.426	4589321.631
BY ARC CENTERED AT	410726.781	4589788.437
TO	405170.962	4589743.599
BY ARC CENTERED AT	410700.849	4590281.637
TO	405171.060	4590820.682
BY ARC CENTERED AT	410480.451	4592457.601
TO	405166.401	4590835.872
BY ARC CENTERED AT	410307.174	4592943.379
TO	405095.909	4591016.762
BY ARC CENTERED AT	410094.199	4593442.918
TO	404538.406	4593395.006
BY ARC CENTERED AT	409634.247	4595608.947

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	404144.448	4594753.816
BY ARC CENTERED AT	409402.586	4596548.566
TO	403899.286	4595785.133
BY ARC CENTERED AT	408781.278	4598437.546
TO	403290.665	4597587.661
BY ARC CENTERED AT	407357.439	4601373.224
TO	401902.182	4600319.985
BY ARC CENTERED AT	406352.532	4603646.173
TO	400983.589	4605075.715
BY ARC CENTERED AT	406358.853	4606481.303
TO	400824.883	4606975.585
BY ARC CENTERED AT	404724.305	4610933.317
TO	399312.582	4609675.387
BY ARC CENTERED AT	404712.033	4610984.991
TO	399159.819	4611190.074
BY ARC CENTERED AT	404576.183	4612427.871
TO	399046.138	4612964.286
BY ARC CENTERED AT	404590.419	4613324.962
TO	399041.125	4613052.058
BY ARC CENTERED AT	404588.387	4613363.546
TO	399229.154	4614829.069
BY ARC CENTERED AT	404644.501	4616071.306
TO	399126.502	4615422.596
BY ARC CENTERED AT	400920.018	4620681.154

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	397910.922	4616010.557
BY ARC CENTERED AT	399165.087	4621423.154
TO	395511.185	4617237.687
BY ARC CENTERED AT	398300.525	4622042.759
TO	395231.302	4617411.452
BY ARC CENTERED AT	397758.202	4622359.574
TO	393744.415	4618517.875
BY ARC CENTERED AT	397720.411	4622398.673
TO	393381.505	4618928.365
BY ARC CENTERED AT	396371.935	4623610.936
TO	392397.667	4619728.369
BY ARC CENTERED AT	396357.822	4623625.330
TO	392357.328	4619769.790
BY ARC CENTERED AT	395976.161	4623985.616
TO	392036.988	4620067.447
BY ARC CENTERED AT	392662.539	4625588.119
TO	388939.151	4621464.344
BY ARC CENTERED AT	392610.809	4625634.244
TO	388335.662	4622085.687
BY ARC CENTERED AT	391797.975	4626430.975
TO	387259.878	4623225.540
BY ARC CENTERED AT	390460.931	4627766.729
TO	386487.801	4623882.997
BY ARC CENTERED AT	388162.151	4629180.703

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	383218.835	4626644.415
BY ARC CENTERED AT	387677.201	4629959.849
TO	382459.293	4628051.296
BY ARC CENTERED AT	385742.025	4632533.796
TO	382365.112	4628121.813
BY ARC CENTERED AT	385704.641	4632562.160
TO	383093.395	4637466.294
BY ARC CENTERED AT	385816.363	4632623.301
TO	390858.805	4634956.306
BY ARC CENTERED AT	392051.411	4629529.813
TO	392896.827	4635021.116
BY ARC CENTERED AT	392177.621	4629511.862
TO	393330.482	4634946.938
BY STRAIGHT LINE TO	393435.934	4635343.028
BY STRAIGHT LINE TO	393658.066	4636228.782
BY STRAIGHT LINE TO	393763.685	4636704.398
BY STRAIGHT LINE TO	393839.593	4637142.274
BY ARC CENTERED AT	399313.945	4636193.272
TO	393908.007	4637475.837
BY STRAIGHT LINE TO	394037.794	4638022.879
BY STRAIGHT LINE TO	394075.190	4638240.153
BY STRAIGHT LINE TO	394078.286	4638272.854
BY ARC CENTERED AT	399609.539	4637749.039
TO	394160.837	4638835.675

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	394249.943	4639282.480
BY ARC CENTERED AT	399505.599	4641084.483
TO	394154.206	4639590.586
BY ARC CENTERED AT	398552.047	4642985.896
TO	393340.720	4641059.446
BY ARC CENTERED AT	398546.057	4643002.023
TO	393013.419	4643510.990
BY ARC CENTERED AT	398552.985	4643083.978
TO	393426.765	4645226.642
BY ARC CENTERED AT	398981.191	4645094.386
TO	393497.375	4645987.077
BY ARC CENTERED AT	398775.736	4647721.447
TO	393313.383	4646705.654
BY ARC CENTERED AT	397928.493	4649799.179
TO	393128.310	4647001.434
BY ARC CENTERED AT	397143.152	4650842.030
TO	392383.440	4647975.974
BY ARC CENTERED AT	397114.576	4650888.960
TO	391672.499	4649769.616
BY ARC CENTERED AT	393149.315	4655125.748

TO the intersection with the California-Oregon state lateral boundary

EXHIBIT B

Location of the Fixed Offshore Boundary Between the United States and California in the Vicinity of the Farallon Islands.

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BEGINNING AT	486509.525	4184401.713
BY ARC CENTERED AT	490468.788	4180503.846
TO	484913.004	4180454.832
BY ARC CENTERED AT	490468.659	4180392.899
TO	487134.261	4175948.697
BY ARC CENTERED AT	491250.770	4179680.117
TO	489190.768	4174520.124
BY ARC CENTERED AT	491363.269	4179633.770
TO	491808.391	4174095.629
BY ARC CENTERED AT	497158.083	4175595.606
TO	493300.616	4171596.970
BY ARC CENTERED AT	498800.150	4172387.075
TO	494168.425	4169318.483
BY ARC CENTERED AT	498900.532	4172229.891
TO	495053.624	4168221.096
BY ARC CENTERED AT	498954.400	4172177.494
TO	496519.986	4167183.221
BY ARC CENTERED AT	499618.035	4171795.295
TO	499638.585	4166239.333
BY ARC CENTERED AT	499659.668	4171795.293
TO	501906.060	4166713.673
BY ARC CENTERED AT	499782.120	4171847.679
TO	503999.408	4168230.551
BY ARC CENTERED AT	500036.816	4172125.034

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	504880.925	4169404.052
BY ARC CENTERED AT	500061.305	4172168.179
TO	505617.282	4172184.066
BY ARC CENTERED AT	500066.201	4172417.802
TO	505622.175	4172434.915
BY ARC CENTERED AT	500066.200	4172451.700
TO	504877.586	4175230.136
BY ARC CENTERED AT	499796.841	4172981.765
TO	504350.184	4176165.506
BY ARC CENTERED AT	499779.701	4173006.420
TO	502173.198	4178020.431
BY ARC CENTERED AT	497172.771	4175598.683
TO	500742.579	4179856.101
BY ARC CENTERED AT	497165.429	4175604.850
TO	497074.872	4181160.112
BY ARC CENTERED AT	491686.406	4179806.020
TO	496459.464	4182649.794
BY ARC CENTERED AT	491679.079	4179818.354
TO	494560.962	4184568.500
BY ARC CENTERED AT	491285.449	4180080.722
TO	494345.879	4184717.845
BY ARC CENTERED AT	490586.357	4180626.985
TO	486509.525	4184401.713

EXHIBIT C

Location of the Fixed Offshore Boundary Between the United States and California in the Vicinity of the Channel Islands.

	SANTA ROSA AND SAN MIGUEL ISLANDS NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	 y-coordinate
BEGINNING AT	777470.131	3753268.397
BY ARC CENTERED AT	774356.862	3757870.211
TO	777148.970	3753066.747
BY ARC CENTERED AT	773570.674	3757317.033
TO	777095.194	3753022.049
BY ARC CENTERED AT	772897.885	3756662.341
TO	776180.900	3752180.048
BY ARC CENTERED AT	772774.567	3756569.357
TO	773625.206	3751078.861
BY ARC CENTERED AT	772120.395	3756427.195
TO	772764.176	3750908.619
BY ARC CENTERED AT	771825.908	3756384.821
TO	772710.579	3750899.705
BY ARC CENTERED AT	770228.362	3755870.393
TO	771399.409	3750439.207
BY ARC CENTERED AT	769993.388	3755814.357
TO	771170.828	3750384.553
BY ARC CENTERED AT	767318.206	3754387.857
TO	770870.429	3750115.756

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	767242.850	3754324.058
TO	769196.688	3749122.938
BY ARC CENTERED AT	766996.191	3754224.599
TO	768610.489	3748908.286
BY ARC CENTERED AT	766769.393	3754150.376
TO	767149.556	3748607.397
BY ARC CENTERED AT	766561.591	3754132.199
TO	765939.753	3748611.107
BY ARC CENTERED AT	766388.814	3754148.930
TO	764870.991	3748804.274
BY ARC CENTERED AT	766243.699	3754188.028
TO	763706.258	3749245.303
BY ARC CENTERED AT	766144.581	3754237.669
TO	762923.258	3749710.836
BY ARC CENTERED AT	764808.352	3754937.265
TO	761290.966	3750636.436
BY ARC CENTERED AT	763110.594	3755886.016
TO	760320.406	3751081.436
BY ARC CENTERED AT	762012.095	3756373.631
TO	759506.986	3751414.441
BY ARC CENTERED AT	761905.233	3756426.182
TO	758932.450	3751732.389
BY ARC CENTERED AT	760610.900	3757028.797
TO	755501.364	3754846.647

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	757501.005	3760030.330
TO	753490.750	3756184.944
BY ARC CENTERED AT	757445.485	3760087.406
TO	752376.882	3757811.797
BY STRAIGHT LINE TO	752349.529	3757872.722
BY ARC CENTERED AT	757418.132	3760148.331
TO	751862.244	3760183.647
BY ARC CENTERED AT	754972.588	3764787.439
TO	751362.608	3760564.030
BY ARC CENTERED AT	754288.774	3765287.026
TO	750974.548	3760827.761
BY ARC CENTERED AT	753979.969	3765500.724
TO	749584.715	3762102.065
BY ARC CENTERED AT	748317.795	3767511.691
TO	748595.050	3761962.613
BY ARC CENTERED AT	747700.695	3767446.158
TO	747846.289	3761892.066
BY STRAIGHT LINE TO	747797.536	3761890.788
BY ARC CENTERED AT	747651.942	3767444.880
TO	747123.684	3761914.050
BY STRAIGHT LINE TO	746660.412	3761958.298
BY STRAIGHT LINE TO	746532.371	3761962.170
BY ARC CENTERED AT	743996.674	3766905.790
TO	745928.864	3761696.589

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	745914.322	3761690.641
BY ARC CENTERED AT	743811.102	3766833.170
TO	742828.976	3761364.663
BY ARC CENTERED AT	743406.483	3766890.568
TO	741145.125	3761815.590
BY ARC CENTERED AT	743079.513	3767023.976
TO	740812.086	3761951.707
BY ARC CENTERED AT	742477.952	3767252.087
TO	739452.910	3762591.802
BY ARC CENTERED AT	738015.702	3767958.698
TO	738314.245	3762410.725
BY ARC CENTERED AT	737628.906	3767924.294
TO	736867.465	3762420.718
BY ARC CENTERED AT	735909.602	3767893.527
TO	733883.872	3762719.983
BY ARC CENTERED AT	735048.261	3768152.601
TO	732052.008	3763473.754
BY ARC CENTERED AT	734818.891	3768291.793
TO	730467.002	3764837.781
BY ARC CENTERED AT	734594.083	3768557.504
TO	729800.183	3765749.006
BY ARC CENTERED AT	734088.388	3769281.772
TO	728696.340	3770621.532
BY ARC CENTERED AT	729023.776	3776167.875

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	728525.573	3770634.257
BY ARC CENTERED AT	728792.566	3776183.838
TO	726136.888	3771303.622
BY ARC CENTERED AT	728743.192	3776210.384
TO	723231.453	3776910.289
BY ARC CENTERED AT	728753.838	3776300.045
TO	725379.555	3780714.040
BY ARC CENTERED AT	728799.151	3776335.056
TO	727591.070	3781758.125
BY ARC CENTERED AT	728829.758	3776341.965
TO	731127.906	3781400.389
BY ARC CENTERED AT	728855.689	3776330.264
TO	734402.735	3776645.559
BY ARC CENTERED AT	736217.323	3771394.235
TO	734533.485	3776688.933
BY ARC CENTERED AT	740086.051	3776884.256
TO	742270.511	3781992.805
BY ARC CENTERED AT	740148.276	3776858.094
TO	745374.270	3778744.393
BY ARC CENTERED AT	743087.652	3773680.747
TO	745758.915	3778552.450
BY ARC CENTERED AT	743332.106	3773554.477
TO	746220.495	3778300.670
BY ARC CENTERED AT	743451.971	3773483.574

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	746537.150	3778104.267
BY ARC CENTERED AT	743608.533	3773382.791
TO	747394.291	3777449.383
BY ARC CENTERED AT	746241.092	3772014.379
TO	750978.961	3774916.401
BY ARC CENTERED AT	746329.430	3771874.856
TO	751500.501	3773906.889
BY ARC CENTERED AT	747848.975	3769719.349
TO	751874.597	3773548.644
BY ARC CENTERED AT	748088.822	3769482.068
TO	752713.571	3772561.164
BY ARC CENTERED AT	748786.434	3768630.931
TO	753250.520	3771938.660
BY ARC CENTERED AT	755090.576	3766696.205
TO	754850.083	3772246.998
BY ARC CENTERED AT	756149.696	3766845.133
TO	756369.565	3772396.781
BY ARC CENTERED AT	756540.079	3766843.398
TO	757090.981	3772372.018
BY ARC CENTERED AT	756617.314	3766836.246
TO	757861.631	3772251.115
BY ARC CENTERED AT	756994.232	3766763.242
TO	758644.368	3772068.540
BY ARC CENTERED AT	759993.518	3766678.834

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
TO	759143.767	3772169.468
BY ARC CENTERED AT	763352.127	3768541.956
TO	760900.607	3773527.854
BY STRAIGHT LINE TO	760953.801	3773554.009
BY ARC CENTERED AT	763405.321	3768568.111
TO	762247.436	3774002.119
BY ARC CENTERED AT	764088.116	3768759.883
TO	763505.662	3774285.268
BY ARC CENTERED AT	764254.457	3768779.958
TO	763542.458	3774290.148
BY ARC CENTERED AT	764390.008	3768799.174
TO	766108.928	3774082.587
BY ARC CENTERED AT	764889.429	3768662.074
TO	766146.884	3774073.908
BY ARC CENTERED AT	765892.199	3768523.748
TO	767266.700	3773907.045
BY ARC CENTERED AT	770477.292	3769372.595
TO	767654.428	3774158.049
BY ARC CENTERED AT	771422.567	3770075.126
TO	768660.211	3774895.762
BY ARC CENTERED AT	771548.801	3770149.691
TO	768965.075	3775068.380
BY ARC CENTERED AT	771591.793	3770172.515
TO	769974.134	3775487.806

	NAD 83/WGS 84 UTM ZONE 10 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	771856.292	3770260.319
TO	771529.661	3775806.710
BY STRAIGHT LINE TO	771632.190	3775812.748
BY ARC CENTERED AT	771958.821	3770266.357
TO	772038.957	3775821.779
BY ARC CENTERED AT	772676.701	3770302.502
TO	774669.492	3775488.822
BY ARC CENTERED AT	772832.410	3770245.325
TO	775081.597	3775325.708
BY ARC CENTERED AT	772946.806	3770196.205
TO	776761.814	3774235.370
BY STRAIGHT LINE TO	776777.653	3774220.410
BY ARC CENTERED AT	772962.645	3770181.245
TO	776858.754	3774142.238

SANTA ROSA, SANTA CRUZ, AND ANACAPA ISLANDS

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BEGINNING AT	223141.246	3774142.238
BY ARC CENTERED AT	219019.440	3770416.444
TO	224007.555	3772863.452
BY ARC CENTERED AT	229558.450	3772625.339
TO	224455.318	3774822.424

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	229635.732	3772814.328
TO	225172.663	3776123.429
BY ARC CENTERED AT	230169.072	3773693.402
TO	225358.188	3776472.705
BY ARC CENTERED AT	230487.761	3774338.083
TO	225429.949	3776637.577
BY ARC CENTERED AT	230628.300	3774676.383
TO	229844.847	3780176.868
BY STRAIGHT LINE TO	229880.920	3780182.006
BY ARC CENTERED AT	230664.373	3774681.521
TO	231930.695	3780091.287
BY ARC CENTERED AT	231236.273	3774578.854
TO	233108.791	3779809.801
BY ARC CENTERED AT	232697.912	3774269.015
TO	233386.300	3779782.204
BY ARC CENTERED AT	233877.778	3774247.985
TO	235040.326	3779680.997
BY ARC CENTERED AT	234565.195	3774145.350
TO	236504.217	3779352.012
BY ARC CENTERED AT	235921.486	3773826.656
TO	237377.520	3779188.475
BY ARC CENTERED AT	236191.658	3773760.504
TO	237420.215	3779178.971
BY ARC CENTERED AT	236324.311	3773732.125

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	238624.666	3778789.546
BY ARC CENTERED AT	236786.192	3773546.536
TO	239562.452	3778359.178
BY ARC CENTERED AT	238018.838	3773021.913
TO	240800.992	3777831.149
BY ARC CENTERED AT	238595.931	3772731.459
TO	241246.624	3777614.385
BY ARC CENTERED AT	241518.791	3772065.055
TO	242129.254	3777587.416
BY ARC CENTERED AT	242506.337	3772044.227
TO	242234.089	3777593.553
BY ARC CENTERED AT	242804.672	3772066.929
TO	242759.795	3777622.748
BY STRAIGHT LINE TO	242847.075	3777623.453
BY ARC CENTERED AT	242891.952	3772067.634
TO	243666.668	3777569.357
BY ARC CENTERED AT	244599.324	3772092.196
TO	244804.017	3777644.424
BY ARC CENTERED AT	245395.668	3772120.016
TO	247505.957	3777259.648
BY STRAIGHT LINE TO	247554.185	3777239.846
BY ARC CENTERED AT	245443.896	3772100.214
TO	248916.113	3776437.592
BY ARC CENTERED AT	247910.976	3770973.268

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	249813.236	3776193.473
BY ARC CENTERED AT	248356.390	3770831.875
TO	250206.791	3776070.687
BY ARC CENTERED AT	248707.649	3770720.761
TO	251499.431	3775524.415
BY ARC CENTERED AT	249340.962	3770404.830
TO	251630.006	3775467.380
BY ARC CENTERED AT	249589.724	3770299.558
TO	252085.683	3775263.360
BY STRAIGHT LINE TO	252143.945	3775234.064
BY ARC CENTERED AT	249647.986	3770270.262
TO	253287.078	3774468.612
BY ARC CENTERED AT	249753.434	3770181.131
TO	253792.107	3773996.659
BY ARC CENTERED AT	250342.390	3769641.365
TO	253857.723	3773943.872
BY ARC CENTERED AT	250450.498	3769555.256
TO	254727.925	3773101.064
BY ARC CENTERED AT	254859.837	3767546.630
TO	254798.405	3773102.290
BY ARC CENTERED AT	259242.554	3769767.822
TO	256717.087	3774716.676
BY ARC CENTERED AT	260391.757	3770549.430
TO	257747.159	3775435.659

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	257749.351	3775436.846
BY ARC CENTERED AT	261224.444	3771101.772
TO	261495.696	3776651.147
BY ARC CENTERED AT	261486.043	3771095.155
TO	261666.012	3776648.239
BY ARC CENTERED AT	263128.190	3771288.093
TO	262744.936	3776830.859
BY ARC CENTERED AT	263431.742	3771317.472
TO	265679.019	3776398.701
BY ARC CENTERED AT	263538.375	3771271.637
TO	267167.175	3775478.886
BY ARC CENTERED AT	264917.776	3770398.597
TO	268078.888	3774967.679
BY ARC CENTERED AT	266131.366	3769764.190
TO	268153.309	3774939.215
BY ARC CENTERED AT	266347.559	3769684.845
TO	268901.935	3774618.839
BY ARC CENTERED AT	266497.142	3769610.236
TO	270487.379	3773476.389
BY ARC CENTERED AT	266680.048	3769429.988
TO	270856.023	3773094.735
BY ARC CENTERED AT	267326.802	3768803.612
TO	272158.176	3771547.142
BY ARC CENTERED AT	274230.081	3766391.917

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	272700.511	3771733.223
BY ARC CENTERED AT	274354.195	3766429.030
TO	273534.884	3771924.288
BY ARC CENTERED AT	275317.317	3766661.963
TO	276423.204	3772106.791
BY ARC CENTERED AT	276338.996	3766551.429
TO	278713.303	3771574.556
BY ARC CENTERED AT	280828.793	3766437.062
TO	279188.184	3771745.314
BY ARC CENTERED AT	280945.177	3766474.440
TO	280325.491	3771995.774
BY ARC CENTERED AT	281478.555	3766560.741
TO	280462.046	3772022.961
BY ARC CENTERED AT	281705.543	3766607.903
TO	282039.562	3772153.854
BY ARC CENTERED AT	281820.926	3766602.157
TO	282616.042	3772100.968
BY ARC CENTERED AT	282433.194	3766547.978
TO	286159.427	3770669.182
BY ARC CENTERED AT	282493.564	3766494.187
TO	287659.030	3764447.947
BY ARC CENTERED AT	282466.277	3766423.916
TO	284803.031	3761383.210
BY ARC CENTERED AT	282284.549	3766335.622

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	283850.735	3761004.937
BY ARC CENTERED AT	281880.957	3766200.042
TO	283223.312	3760808.640
BY ARC CENTERED AT	281651.039	3766137.532
TO	282781.356	3760697.723
BY ARC CENTERED AT	279505.784	3765185.458
TO	282085.701	3760264.771
BY ARC CENTERED AT	279412.184	3765135.237
TO	281626.750	3760039.667
BY STRAIGHT LINE TO	281344.025	3759916.793
BY ARC CENTERED AT	279129.459	3765012.363
TO	279332.886	3759460.088
BY STRAIGHT LINE TO	279281.492	3759458.205
BY ARC CENTERED AT	279078.065	3765010.480
TO	277884.003	3759584.307
BY ARC CENTERED AT	278640.845	3765088.517
TO	277328.968	3759689.618
BY ARC CENTERED AT	278405.846	3765140.257
TO	277123.524	3759734.262
BY ARC CENTERED AT	276253.616	3765221.738
TO	276948.219	3759709.328
BY STRAIGHT LINE TO	276927.617	3759706.732
BY ARC CENTERED AT	276233.014	3765219.142
TO	272893.749	3760778.597

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	274856.860	3765976.224
TO	269880.287	3763505.827
BY ARC CENTERED AT	264769.639	3765685.371
TO	269479.503	3762738.115
BY ARC CENTERED AT	264732.180	3765624.646
TO	268772.427	3761810.785
BY ARC CENTERED AT	264076.906	3764780.838
TO	265582.400	3759432.696
BY ARC CENTERED AT	263540.819	3764600.005
TO	264235.547	3759087.611
BY ARC CENTERED AT	263246.937	3764554.949
TO	263285.019	3758999.080
BY ARC CENTERED AT	260676.025	3763904.412
TO	260401.907	3758355.178
BY ARC CENTERED AT	259814.254	3763880.013
TO	260037.512	3758328.500
BY ARC CENTERED AT	259693.386	3763873.833
TO	259888.945	3758321.276
BY ARC CENTERED AT	258918.228	3763791.819
TO	258902.335	3758235.842
BY ARC CENTERED AT	258391.110	3763768.272
TO	257839.599	3758239.712
BY ARC CENTERED AT	256845.896	3763706.127
TO	256797.198	3758150.340

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	256172.056	3763671.059
TO	255691.687	3758135.864
BY ARC CENTERED AT	253317.935	3763159.253
TO	255606.062	3758096.288
BY ARC CENTERED AT	252862.365	3762927.568
TO	255575.122	3758078.848
BY ARC CENTERED AT	252820.649	3762903.992
TO	254366.777	3757567.455
BY ARC CENTERED AT	252078.814	3762630.494
TO	254141.870	3757471.721
BY ARC CENTERED AT	251759.182	3762490.878
TO	253925.584	3757374.645
BY ARC CENTERED AT	251306.508	3762274.602
TO	253710.677	3757265.699
BY ARC CENTERED AT	250445.200	3761760.785
TO	252052.923	3756442.480
BY ARC CENTERED AT	249119.028	3761160.679
TO	250709.792	3755837.277
BY ARC CENTERED AT	248517.137	3760942.314
TO	246645.865	3755710.921
BY ARC CENTERED AT	245164.723	3761065.858
TO	245712.656	3755536.943
BY STRAIGHT LINE TO	245663.707	3755532.092
BY ARC CENTERED AT	245115.774	3761061.007

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	244512.520	3755537.854
BY ARC CENTERED AT	244697.761	3761090.765
TO	243341.802	3755702.768
BY ARC CENTERED AT	242211.944	3761142.672
TO	242114.877	3755587.520
BY ARC CENTERED AT	239135.530	3760277.150
TO	241192.816	3755116.074
BY ARC CENTERED AT	238891.096	3760172.873
TO	239750.117	3754683.682
BY ARC CENTERED AT	238842.051	3760164.973
TO	238683.902	3754611.224
BY ARC CENTERED AT	238831.779	3760165.256
TO	235612.345	3755637.080
BY ARC CENTERED AT	238809.093	3760181.300
TO	234386.119	3756818.796
BY ARC CENTERED AT	237148.288	3761639.538
TO	233462.156	3757482.428
BY ARC CENTERED AT	236846.862	3761888.435
TO	232486.357	3758445.306
BY ARC CENTERED AT	234477.875	3763632.116
TO	231295.435	3759077.864
BY ARC CENTERED AT	225775.592	3759710.695
TO	226295.633	3754179.086
BY ARC CENTERED AT	225486.699	3759675.882

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	225291.324	3754123.318
BY ARC CENTERED AT	225080.556	3759675.319
TO	224367.741	3754165.235
BY ARC CENTERED AT	222140.452	3759255.256
TO	223492.167	3753866.193
BY ARC CENTERED AT	220143.019	3758299.289
TO	222642.093	3753337.055
BY ARC CENTERED AT	219690.686	3758044.319
TO	222529.869	3753268.397

BEGG ROCK

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BEGINNING AT	247769.160	3689313.955
BY ARC CENTERED AT	249183.980	3694686.796
TO	243630.486	3694853.646
BY ARC CENTERED AT	249185.176	3694733.008
TO	246137.240	3699378.352
BY ARC CENTERED AT	249229.926	3694762.680
TO	254574.642	3696280.293
BY ARC CENTERED AT	249237.044	3694737.832
TO	254245.858	3692333.479
BY ARC CENTERED AT	249209.675	3694679.964
TO	247769.160	3689313.955

SAN NICOLAS ISLAND

NAD 83/WGS 84
UTM ZONE 11 (meters)

	x-coordinate	y-coordinate
BEGINNING AT	258629.149	3690559.974
BY ARC CENTERED AT	259854.821	3685140.854
TO	260772.831	3690620.488
BY ARC CENTERED AT	262404.279	3685309.414
TO	261301.669	3690754.906
BY ARC CENTERED AT	263853.710	3685819.704
TO	263749.457	3691374.726
BY ARC CENTERED AT	264494.408	3685868.894
TO	268126.752	3690073.084
BY ARC CENTERED AT	264837.319	3685595.499
TO	268603.934	3689679.828
BY ARC CENTERED AT	265737.603	3684920.282
TO	269290.611	3689191.730
BY ARC CENTERED AT	268226.197	3683738.643
TO	270890.115	3688614.366
BY STRAIGHT LINE TO	270966.802	3688572.467
BY ARC CENTERED AT	268302.884	3683696.744
TO	271592.781	3688173.988
BY ARC CENTERED AT	270269.925	3682777.768
TO	273580.041	3687240.085
BY ARC CENTERED AT	270713.534	3682480.644
TO	275094.854	3685897.247
BY STRAIGHT LINE TO	275227.553	3685745.792

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	271048.655	3682084.379
TO	275418.986	3685515.026
BY ARC CENTERED AT	271756.301	3681337.243
TO	275542.366	3685403.549
BY ARC CENTERED AT	272547.475	3680723.831
TO	276830.225	3684263.208
BY ARC CENTERED AT	274117.834	3679414.283
TO	278174.086	3683211.118
BY STRAIGHT LINE TO	278191.781	3683192.214
BY ARC CENTERED AT	274135.529	3679395.379
TO	276623.780	3674427.709
BY ARC CENTERED AT	272688.949	3678350.239
TO	273722.362	3672891.192
BY ARC CENTERED AT	272660.322	3678344.742
TO	273571.470	3672863.962
BY ARC CENTERED AT	272350.598	3678284.166
TO	272857.873	3672751.372
BY ARC CENTERED AT	271053.820	3678006.325
TO	271830.415	3672504.867
BY STRAIGHT LINE TO	271549.659	3672465.235
BY ARC CENTERED AT	270773.064	3677966.693
TO	271286.816	3672434.497
BY ARC CENTERED AT	269867.610	3677806.181
TO	269538.240	3672259.952

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	269740.793	3677812.259
TO	268308.747	3672443.984
BY ARC CENTERED AT	269140.042	3677937.442
TO	267130.313	3672757.662
BY ARC CENTERED AT	267304.130	3678310.942
TO	265983.456	3672914.188
BY ARC CENTERED AT	267154.675	3678345.337
TO	264730.634	3673346.021
BY ARC CENTERED AT	266446.393	3678630.461
TO	264228.655	3673536.271
BY ARC CENTERED AT	265732.229	3678884.953
TO	262476.751	3674382.620
BY ARC CENTERED AT	263016.023	3679912.387
TO	261325.085	3674619.952
BY STRAIGHT LINE TO	261157.990	3674673.339
BY ARC CENTERED AT	262848.928	3679965.774
TO	260591.074	3674889.237
BY ARC CENTERED AT	262679.695	3680037.712
TO	258536.198	3676336.285
BY ARC CENTERED AT	261927.366	3680737.320
TO	257817.498	3676998.588
BY ARC CENTERED AT	261345.120	3681291.025
TO	257708.250	3677090.750
BY ARC CENTERED AT	260882.507	3681650.709

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	255680.154	3679700.156
BY ARC CENTERED AT	257480.892	3684956.246
TO	253102.770	3681535.547
BY ARC CENTERED AT	257408.070	3685047.459
TO	252192.498	3686962.385
BY ARC CENTERED AT	257438.689	3685133.010
TO	258629.149	3690559.974

SANTA BARBARA ISLAND

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BEGINNING AT	304057.921	3705917.837
BY ARC CENTERED AT	309591.425	3706417.303
TO	304407.140	3708415.383
BY ARC CENTERED AT	309714.637	3706772.334
TO	305425.202	3710303.607
BY ARC CENTERED AT	309751.687	3706817.826
TO	308609.912	3712255.241
BY ARC CENTERED AT	310892.622	3707189.832
TO	309649.997	3712605.090
BY ARC CENTERED AT	311440.512	3707345.509
TO	313671.214	3712434.036
BY ARC CENTERED AT	311594.180	3707280.875

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	316358.922	3710138.561
BY ARC CENTERED AT	311601.683	3707268.402
TO	317140.249	3706828.609
BY ARC CENTERED AT	311613.053	3706263.600
TO	317166.175	3706442.412
BY ARC CENTERED AT	311630.515	3705967.432
TO	317082.137	3704895.540
BY STRAIGHT LINE TO	317070.669	3704837.214
BY ARC CENTERED AT	311619.047	3705909.106
TO	316754.355	3703788.317
BY ARC CENTERED AT	311349.680	3705076.192
TO	316038.814	3702096.064
BY ARC CENTERED AT	311291.014	3704981.811
TO	315435.264	3701281.226
BY ARC CENTERED AT	311142.999	3704809.058
TO	314488.180	3700372.967
BY ARC CENTERED AT	311087.935	3704766.994
TO	312954.516	3699533.925
BY ARC CENTERED AT	310793.829	3704652.574
TO	310901.248	3699097.613
BY ARC CENTERED AT	309690.900	3704520.176
TO	309947.234	3698970.092
BY ARC CENTERED AT	309504.695	3704508.440
TO	304422.738	3702262.810

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	304410.375	3702290.788
BY ARC CENTERED AT	309492.332	3704536.418
TO	304007.750	3703648.444
BY STRAIGHT LINE TO	303996.238	3703719.548
BY ARC CENTERED AT	309480.820	3704607.522
TO	303924.836	3704621.006
BY ARC CENTERED AT	309480.184	3704706.145
TO	304057.921	3705917.837

SANTA CATALINA ISLAND

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BEGINNING AT	351237.227	3711104.561
BY ARC CENTERED AT	350852.361	3705561.907
TO	352343.476	3710914.076
BY ARC CENTERED AT	351477.663	3705425.952
TO	352345.409	3710913.771
BY ARC CENTERED AT	352287.340	3705358.074
TO	353889.572	3710678.035
BY ARC CENTERED AT	354171.244	3705129.180
TO	355288.561	3710571.674
BY ARC CENTERED AT	357039.684	3705298.847
TO	360532.315	3709619.803

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY STRAIGHT LINE TO	360710.907	3709475.447
BY ARC CENTERED AT	357218.276	3705154.491
TO	361017.398	3709208.601
BY ARC CENTERED AT	361379.459	3703664.411
TO	363048.653	3708963.744
BY ARC CENTERED AT	361389.742	3703661.183
TO	366362.061	3706140.131
BY ARC CENTERED AT	362698.015	3701963.541
TO	366403.273	3706103.613
BY ARC CENTERED AT	364038.817	3701075.842
TO	367805.169	3705160.414
BY ARC CENTERED AT	367149.514	3699643.236
TO	368266.222	3705085.855
BY ARC CENTERED AT	367667.625	3699562.195
TO	368447.413	3705063.201
BY ARC CENTERED AT	367935.849	3699530.802
TO	370755.944	3704317.889
BY ARC CENTERED AT	369366.684	3698938.382
TO	371733.739	3703964.930
BY ARC CENTERED AT	370905.276	3698471.044
TO	374425.878	3702769.241
BY ARC CENTERED AT	372402.441	3697594.800
TO	375009.042	3702501.405
BY ARC CENTERED AT	372499.953	3697544.227

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	376228.193	3701663.616
BY ARC CENTERED AT	372949.866	3697177.893
TO	378505.590	3697233.230
BY ARC CENTERED AT	374319.062	3693580.544
TO	378947.694	3696653.800
BY ARC CENTERED AT	376014.242	3691935.326
TO	380795.024	3694766.095
BY ARC CENTERED AT	376189.083	3691658.936
TO	381045.515	3694357.863
BY ARC CENTERED AT	377410.960	3690155.584
TO	381810.103	3693549.207
BY ARC CENTERED AT	377545.873	3689987.539
TO	382203.829	3693016.166
BY ARC CENTERED AT	378029.121	3689349.976
TO	383204.276	3691371.586
BY ARC CENTERED AT	378205.069	3688947.320
TO	383492.841	3690652.782
BY ARC CENTERED AT	378317.475	3688631.713
TO	383757.447	3689761.242
BY ARC CENTERED AT	378678.405	3687509.029
TO	384222.523	3687145.860
BY ARC CENTERED AT	378666.798	3687201.140
TO	384107.569	3686075.462
BY ARC CENTERED AT	378576.537	3686601.604

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	384093.059	3685940.456
BY ARC CENTERED AT	378546.438	3686263.143
TO	383743.308	3684298.026
BY ARC CENTERED AT	378516.988	3686183.423
TO	382330.860	3682143.186
BY ARC CENTERED AT	378386.058	3686055.688
TO	381235.850	3681286.221
BY ARC CENTERED AT	377634.313	3685516.831
TO	379556.302	3680303.857
BY ARC CENTERED AT	377509.544	3685469.118
TO	379364.176	3680231.802
BY ARC CENTERED AT	376439.833	3684955.927
TO	372913.678	3680662.284
BY ARC CENTERED AT	375213.076	3685720.140
TO	372334.173	3680968.188
BY ARC CENTERED AT	374773.827	3685959.903
TO	371221.087	3681688.232
BY ARC CENTERED AT	374399.853	3686245.049
TO	370864.376	3681959.079
BY ARC CENTERED AT	370262.172	3687482.347
TO	369552.542	3681971.851
BY ARC CENTERED AT	368030.420	3687315.285
TO	369513.417	3681960.861
BY ARC CENTERED AT	367786.288	3687241.596

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	369195.704	3681867.335
BY ARC CENTERED AT	367627.911	3687197.547
TO	365889.197	3681920.615
BY ARC CENTERED AT	365942.765	3687476.357
TO	365792.298	3681922.395
BY ARC CENTERED AT	365795.366	3687478.394
TO	364264.939	3682137.333
BY ARC CENTERED AT	365725.800	3687497.839
TO	363651.480	3682343.585
BY ARC CENTERED AT	364976.500	3687739.274
TO	363096.772	3682510.913
BY ARC CENTERED AT	364350.579	3687923.593
TO	361547.412	3683126.574
BY ARC CENTERED AT	363734.211	3688234.122
TO	359811.640	3684299.332
BY ARC CENTERED AT	363570.887	3688390.444
TO	359402.034	3684717.597
BY ARC CENTERED AT	363321.173	3688655.806
TO	358885.440	3685310.151
BY ARC CENTERED AT	362972.765	3689073.515
TO	358261.761	3686128.081
BY ARC CENTERED AT	362848.729	3689263.183
TO	357962.712	3686618.192
BY ARC CENTERED AT	361983.815	3690452.233

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
TO	356883.268	3688249.154
BY ARC CENTERED AT	361825.688	3690787.189
TO	356442.536	3689412.120
BY ARC CENTERED AT	361492.664	3691728.442
TO	355979.870	3691036.896
BY ARC CENTERED AT	361473.922	3691864.257
TO	356104.130	3693290.605
BY ARC CENTERED AT	361653.337	3693565.265
TO	356160.878	3694403.137
BY ARC CENTERED AT	359051.538	3699147.947
TO	356067.513	3694461.292
BY ARC CENTERED AT	357485.729	3699833.238
TO	355840.526	3694526.408
BY ARC CENTERED AT	357354.556	3699872.140
TO	355230.318	3694738.258
BY ARC CENTERED AT	354994.505	3700289.251
TO	351981.170	3695621.387
BY ARC CENTERED AT	354643.742	3700497.846
TO	351309.835	3696053.276
BY ARC CENTERED AT	353827.401	3701006.154
TO	349867.721	3697108.710
BY ARC CENTERED AT	353723.059	3701109.398
TO	348716.250	3698700.871
BY STRAIGHT LINE TO	348671.180	3698794.562

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	353065.398	3702194.560
TO	348122.424	3699657.603
BY ARC CENTERED AT	352808.780	3702642.098
TO	348090.258	3699708.723
BY ARC CENTERED AT	352119.962	3703533.723
TO	347643.126	3700243.271
BY ARC CENTERED AT	350819.946	3704801.445
TO	345267.248	3704609.912
BY ARC CENTERED AT	350741.318	3705560.542
TO	347583.641	3710131.998
BY ARC CENTERED AT	350754.367	3705569.583
TO	351237.227	3711104.561

SAN CLEMENTE ISLAND

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BEGINNING AT	346962.619	3649388.722
BY ARC CENTERED AT	349990.924	3654046.888
TO	345889.209	3650299.213
BY ARC CENTERED AT	349967.945	3654071.884
TO	344450.843	3653415.593
BY ARC CENTERED AT	349215.298	3656273.757
TO	344056.173	3654211.583

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	349202.799	3656304.756
TO	345577.601	3660515.109
BY ARC CENTERED AT	349213.318	3656313.836
TO	346921.788	3661375.261
BY ARC CENTERED AT	349686.720	3656556.103
TO	350420.844	3662063.389
BY ARC CENTERED AT	351353.099	3656586.160
TO	350631.177	3662095.059
BY ARC CENTERED AT	351373.901	3656588.926
TO	351333.830	3662144.781
BY ARC CENTERED AT	351472.529	3656590.513
TO	353895.974	3661590.118
BY ARC CENTERED AT	352910.848	3656122.151
TO	357037.038	3659842.863
BY ARC CENTERED AT	353417.272	3655627.838
TO	357044.209	3659836.693
BY ARC CENTERED AT	353442.896	3655605.892
TO	357540.203	3659358.387
BY ARC CENTERED AT	353573.196	3655468.400
TO	357588.754	3659308.248
BY ARC CENTERED AT	353987.789	3655077.150
TO	359406.841	3656303.123
BY ARC CENTERED AT	355356.462	3652500.024
TO	360525.076	3654538.299

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	355391.528	3652413.253
TO	360828.768	3653555.863
BY ARC CENTERED AT	356893.036	3649634.237
TO	361727.004	3652373.194
BY ARC CENTERED AT	357941.070	3648306.766
TO	362751.565	3651086.744
BY ARC CENTERED AT	358075.524	3648086.114
TO	362917.133	3650811.542
BY ARC CENTERED AT	358398.051	3647579.355
TO	363574.562	3649597.491
BY ARC CENTERED AT	359318.605	3646025.941
TO	364111.875	3648835.513
BY ARC CENTERED AT	359832.851	3645291.633
TO	364347.204	3648530.422
BY ARC CENTERED AT	360389.783	3644630.684
TO	364714.227	3648118.996
BY ARC CENTERED AT	361711.037	3643444.599
TO	365110.217	3647839.450
BY ARC CENTERED AT	362212.844	3643098.736
TO	365159.493	3647808.980
BY ARC CENTERED AT	362785.298	3642785.800
TO	366904.781	3646513.936
BY ARC CENTERED AT	363421.365	3642185.547
TO	368217.387	3644990.419

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	364538.234	3640827.131
TO	368454.085	3644768.609
BY ARC CENTERED AT	365273.109	3640213.334
TO	369240.467	3644102.962
BY ARC CENTERED AT	365634.965	3639875.730
TO	369876.949	3643463.864
BY ARC CENTERED AT	366175.827	3639320.094
TO	370233.086	3643115.853
BY ARC CENTERED AT	366434.837	3639060.925
TO	370272.810	3643078.274
BY ARC CENTERED AT	367471.846	3638279.969
TO	371702.815	3641881.086
BY ARC CENTERED AT	368192.863	3637574.187
TO	372252.786	3641367.097
BY ARC CENTERED AT	368775.791	3637033.548
TO	372988.154	3640656.411
BY ARC CENTERED AT	369757.063	3636136.545
TO	373898.522	3639840.253
BY ARC CENTERED AT	370826.544	3635210.773
TO	374960.259	3638923.122
BY ARC CENTERED AT	371785.423	3634363.566
TO	375485.268	3638508.476
BY ARC CENTERED AT	372148.234	3634066.254
TO	376843.278	3637037.062

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	372759.498	3633269.851
TO	377206.420	3636600.620
BY ARC CENTERED AT	373835.330	3632184.186
TO	379206.022	3633607.142
BY ARC CENTERED AT	373842.777	3632156.370
TO	377142.363	3627686.262
BY ARC CENTERED AT	373519.567	3631898.682
TO	376498.280	3627208.650
BY ARC CENTERED AT	373209.933	3631687.032
TO	374436.769	3626268.175
BY ARC CENTERED AT	373087.307	3631657.803
TO	373449.675	3626113.633
BY ARC CENTERED AT	372626.276	3631608.280
TO	371018.812	3626289.897
BY ARC CENTERED AT	368592.857	3631288.285
TO	370615.990	3626113.725
BY ARC CENTERED AT	368370.519	3631195.752
TO	370422.796	3626032.682
BY ARC CENTERED AT	366367.294	3629830.318
TO	362748.039	3625614.855
BY ARC CENTERED AT	365834.229	3630234.873
TO	360835.905	3627808.787
BY ARC CENTERED AT	364322.736	3632134.425
TO	360573.618	3628034.028

	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	364235.371	3632212.629
TO	359838.296	3628816.327
BY ARC CENTERED AT	362562.155	3633658.819
TO	359659.693	3628921.219
BY ARC CENTERED AT	362551.840	3633665.123
TO	358574.808	3629785.387
BY ARC CENTERED AT	360696.991	3634920.119
TO	356752.947	3631006.853
BY ARC CENTERED AT	359570.439	3635795.472
TO	356108.670	3631449.751
BY ARC CENTERED AT	359477.858	3635867.636
TO	353971.493	3635126.640
BY ARC CENTERED AT	358877.877	3637733.655
TO	353693.908	3635734.754
BY ARC CENTERED AT	357757.205	3639524.049
TO	353309.122	3636194.831
BY ARC CENTERED AT	357481.393	3639863.794
TO	352485.292	3637433.133
BY ARC CENTERED AT	356357.777	3641417.226
TO	351266.201	3639193.492
BY ARC CENTERED AT	355813.209	3642386.274
TO	350763.557	3640068.915
BY ARC CENTERED AT	355301.346	3643274.786
TO	349745.504	3643316.643

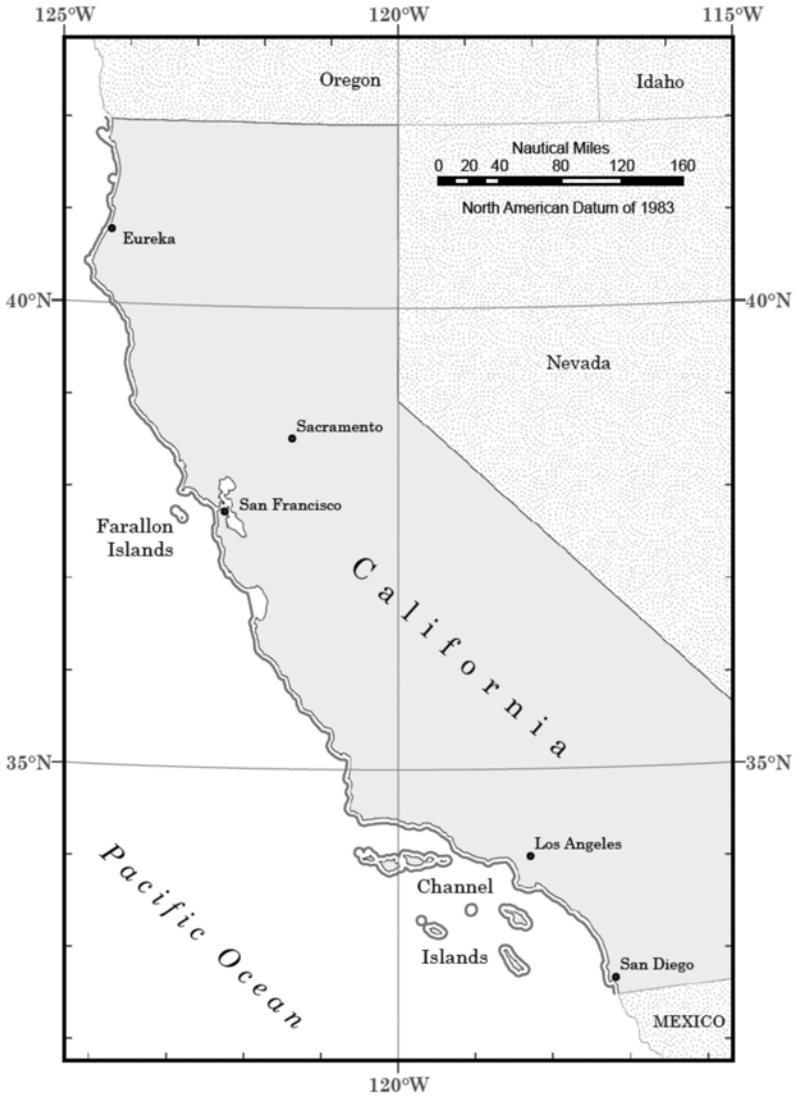
	NAD 83/WGS 84 UTM ZONE 11 (meters) x-coordinate	y-coordinate
BY ARC CENTERED AT	355070.642	3644901.584
TO	349558.851	3644202.090
BY ARC CENTERED AT	353292.614	3648316.473
TO	348465.268	3645565.861
BY ARC CENTERED AT	352929.563	3648873.308
TO	347510.798	3647646.065
BY ARC CENTERED AT	352681.927	3649677.952
TO	347481.795	3647721.485
BY ARC CENTERED AT	352461.049	3650186.473
TO	346962.619	3649388.722

4. Plane coordinates refer to the Universal Transverse Mercator (UTM). All coordinates are referenced to the North American Datum 1983 (NAD 83), which is equivalent to the World Geodetic System 1984 (WGS 84).

5. Pursuant to 43 U. S. C. 1301(b), upon entry of this decree, the federal-state boundary shall be immobilized at the coordinates provided in paragraph 3 and shall not be ambulatory.

6. The Court retains jurisdiction to entertain such further proceedings, to enter such orders, and to issue such writs as may from time to time be deemed necessary or advisable to give proper force and effect to this decree, or to effectuate the rights of the parties.

Proposed U.S./California Boundary



Syllabus

JESINOSKI ET UX. *v.* COUNTRYWIDE HOME LOANS, INC., ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 13–684. Argued November 4, 2014—Decided January 13, 2015

Exactly three years after borrowing money from respondent Countrywide Home Loans, Inc., to refinance their home mortgage, petitioners Larry and Cheryle Jesinoski sent Countrywide and respondent Bank of America Home Loans, which had acquired Countrywide, a letter purporting to rescind the transaction. Bank of America replied, refusing to acknowledge the rescission's validity. One year and one day later, the Jesinoskis filed suit in federal court, seeking a declaration of rescission and damages. The District Court entered judgment on the pleadings for respondents, concluding that a borrower can exercise the Truth in Lending Act's right to rescind a loan, see 15 U. S. C. § 1635(a), (f), only by filing a lawsuit within three years of the date the loan was consummated. The Jesinoskis' complaint, filed four years and one day after the loan's consummation, was ineffective. The Eighth Circuit affirmed.

Held: A borrower exercising his right to rescind under the Act need only provide written notice to his lender within the 3-year period, not file suit within that period. Section 1635(a)'s unequivocal terms—a borrower "shall have the right to rescind . . . *by notifying the creditor . . . of his intention to do so*" (emphasis added)—leave no doubt that rescission is effected when the borrower notifies the creditor of his intention to rescind. This conclusion is not altered by § 1635(f), which states *when* the right to rescind must be exercised, but says nothing about *how* that right is exercised. Nor does § 1635(g)—which states that "in addition to rescission the court may award relief . . . not relating to the right to rescind"—support respondents' view that rescission is necessarily a consequence of judicial action. And the fact that the Act modified the common-law condition precedent to rescission at law, see § 1635(b), hardly implies that the Act thereby codified rescission in equity. Pp. 261–264.

729 F. 3d 1092, reversed and remanded.

SCALIA, J., delivered the opinion for a unanimous Court.

David C. Frederick argued the cause for petitioners. With him on the briefs were *Lynn E. Blais*, *Michael F. Sturley*, *Michael J. Keogh*, and *Erin Glenn Busby*.

Elaine J. Goldenberg argued the cause for the United States as *amicus curiae* urging reversal. With her on the brief were *Solicitor General Verrilli*, *Deputy Solicitor General Stewart*, *Meredith Fuchs*, and *Nandan M. Joshi*.

Seth P. Waxman argued the cause for respondents. With him on the brief were *Louis R. Cohen*, *Albinas J. Prizgintas*, *Aaron D. Van Oort*, *Noah A. Levine*, *Alan E. Schoenfeld*, and *Jason D. Hirsch*.*

JUSTICE SCALIA delivered the opinion of the Court.

The Truth in Lending Act gives borrowers the right to rescind certain loans for up to three years after the transaction is consummated. The question presented is whether a borrower exercises this right by providing written notice to

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*Briefs of *amici curiae* urging reversal were filed for the State of New York et al. by *Eric T. Schneiderman*, Attorney General of New York, *Barbara D. Underwood*, Solicitor General, and *Steven C. Wu*, Deputy Solicitor General, and by the Attorneys General for their respective jurisdictions as follows: *Thomas C. Horne* of Arizona, *Dustin McDaniel* of Arkansas, *George Jepson* of Connecticut, *Joseph R. Biden III* of Delaware, *Irvin B. Nathan* of the District of Columbia, *David M. Louie* of Hawaii, *Lisa Madigan* of Illinois, *Gregory F. Zoeller* of Indiana, *Thomas J. Miller* of Iowa, *Jack Conway* of Kentucky, *Janet T. Mills* of Maine, *Douglas F. Gansler* of Maryland, *Martha Coakley* of Massachusetts, *Bill Schuette* of Michigan, *Lori Swanson* of Minnesota, *Jim Hood* of Mississippi, *Catherine Cortez Masto* of Nevada, *Joseph A. Foster* of New Hampshire, *Gary K. King* of New Mexico, *Roy Cooper* of North Carolina, *Ellen F. Rosenblum* of Oregon, *Peter F. Kilmartin* of Rhode Island, *Robert E. Cooper, Jr.*, of Tennessee, *William H. Sorrell* of Vermont, *Robert F. Ferguson* of Washington, and *Patrick Morrisey* of West Virginia; and for AARP et al. by *Jean Constantine-Davis*, *Nina F. Simon*, *Stuart Rossman*, *Dennis D. Parker*, and *Laurence M. Schwartztol*.

Briefs of *amici curiae* urging affirmance were filed for the American Bankers Association et al. by *Kirk D. Jensen* and *Alexander S. Leonhardt*; and for the Structured Finance Industry Group, Inc., by *Frank A. Hirsch, Jr.*, *Matthew D. Montaigne*, and *Richard A. McAvoy*.

William M. Jay and *Thomas M. Hefferon* filed a brief for Richard R. W. Brooks as *amicus curiae*.

his lender, or whether he must also file a lawsuit before the 3-year period elapses.

On February 23, 2007, petitioners Larry and Cheryle Jesinoski refinanced the mortgage on their home by borrowing $611,000 from respondent Countrywide Home Loans, Inc. Exactly three years later, on February 23, 2010, the Jesinoskis mailed respondents a letter purporting to rescind the loan. Respondent Bank of America Home Loans replied on March 12, 2010, refusing to acknowledge the validity of the rescission. On February 24, 2011, the Jesinoskis filed suit in Federal District Court seeking a declaration of rescission and damages.

Respondents moved for judgment on the pleadings, which the District Court granted. The court concluded that the Act requires a borrower seeking rescission to file a lawsuit within three years of the transaction's consummation. Although the Jesinoskis notified respondents of their intention to rescind within that time, they did not file their first complaint until four years and one day after the loan's consummation. 2012 WL 1365751, *3 (D Minn., Apr. 19, 2012). The Eighth Circuit affirmed. 729 F. 3d 1092, 1093 (2013) (*per curiam*).

Congress passed the Truth in Lending Act, 82 Stat. 146, as amended, to help consumers "avoid the uninformed use of credit, and to protect the consumer against inaccurate and unfair credit billing." 15 U. S. C. § 1601(a). To this end, the Act grants borrowers the right to rescind a loan "until midnight of the third business day following the consummation of the transaction or the delivery of the [disclosures required by the Act], whichever is later, by notifying the creditor, in accordance with regulations of the [Federal Reserve] Board, of his intention to do so." § 1635(a) (2006 ed.).* This re-

*Following the events in this case, Congress transferred the authority to promulgate rules implementing the Act to the Consumer Financial Protection Bureau. See Dodd-Frank Wall Street Reform and Consumer Protection Act, §§ 1061(b)(1), 1100A(2), 1100H, 124 Stat. 2036, 2107, 2113.

gime grants borrowers an unconditional right to rescind for three days, after which they may rescind only if the lender failed to satisfy the Act's disclosure requirements. But this conditional right to rescind does not last forever. Even if a lender *never* makes the required disclosures, the "right of rescission shall expire three years after the date of consummation of the transaction or upon the sale of the property, whichever comes first." § 1635(f). The Eighth Circuit's affirmance in the present case rested upon its holding in *Keiran* v. *Home Capital, Inc.*, 720 F. 3d 721, 727–728 (2013), that, unless a borrower has filed a suit for rescission within three years of the transaction's consummation, § 1635(f) extinguishes the right to rescind and bars relief.

That was error. Section 1635(a) explains in unequivocal terms how the right to rescind is to be exercised: It provides that a borrower "shall have the right to rescind . . . *by notifying the creditor, in accordance with regulations of the Board, of his intention to do so*" (emphasis added). The language leaves no doubt that rescission is effected when the borrower notifies the creditor of his intention to rescind. It follows that, so long as the borrower notifies within three years after the transaction is consummated, his rescission is timely. The statute does not also require him to sue within three years.

Nothing in § 1635(f) changes this conclusion. Although § 1635(f) tells us *when* the right to rescind must be exercised, it says nothing about *how* that right is exercised. Our observation in *Beach* v. *Ocwen Fed. Bank*, 523 U. S. 410, 417 (1998), that § 1635(f) "govern[s] the life of the underlying right" is beside the point. That case concerned a borrower's attempt to rescind in the course of a foreclosure proceeding initiated six years after the loan's consummation. We concluded only that there was "no federal right to rescind, defensively or otherwise, after the 3-year period of § 1635(f) has run," *id.*, at 419, not that there was no rescission until a suit is filed.

Respondents do not dispute that § 1635(a) requires only written notice of rescission. Indeed, they concede that written notice suffices to rescind a loan within the first three days after the transaction is consummated. They further concede that written notice suffices after that period if the parties agree that the lender failed to make the required disclosures. Respondents argue, however, that if the parties dispute the adequacy of the disclosures—and thus the continued availability of the right to rescind—then written notice *does not* suffice.

Section 1635(a) nowhere suggests a distinction between disputed and undisputed rescissions, much less that a lawsuit would be required for the latter. In an effort to sidestep this problem, respondents point to a neighboring provision, § 1635(g), which they believe provides support for their interpretation of the Act. Section 1635(g) states merely that, "[i]n any action in which it is determined that a creditor has violated this section, in addition to rescission the court may award relief under section 1640 of this title for violations of this subchapter not relating to the right to rescind." Respondents argue that the phrase "award relief" "in addition to rescission" confirms that rescission is a consequence of judicial action. But the fact that it can be a consequence of judicial action when § 1635(g) is triggered in no way suggests that it can *only* follow from such action. The Act contemplates various situations in which the question of a lender's compliance with the Act's disclosure requirements may arise in a lawsuit—for example, a lender's foreclosure action in which the borrower raises inadequate disclosure as an affirmative defense. Section 1635(g) makes clear that a court may not only award rescission and thereby relieve the borrower of his financial obligation to the lender, but may also grant any of the remedies available under § 1640 (including statutory damages). It has no bearing upon whether and how borrower-rescission under § 1635(a) may occur.

Finally, respondents invoke the common law. It is true that rescission traditionally required either that the rescinding party return what he received before a rescission could be effected (rescission at law), or else that a court affirmatively decree rescission (rescission in equity). 2 D. Dobbs, Law of Remedies § 9.3(3), pp. 585–586 (2d ed. 1993). It is also true that the Act disclaims the common-law condition precedent to rescission at law that the borrower tender the proceeds received under the transaction. 15 U. S. C. § 1635(b). But the negation of rescission-at-law's tender requirement hardly implies that the Act codifies rescission in equity. Nothing in our jurisprudence, and no tool of statutory interpretation, requires that a congressional Act must be construed as implementing its closest common-law analogue. Cf. *Astoria Fed. Sav. & Loan Assn.* v. *Solimino*, 501 U. S. 104, 108–109 (1991). The clear import of § 1635(a) is that a borrower need only provide written notice to a lender in order to exercise his right to rescind. To the extent § 1635(b) alters the traditional process for unwinding such a unilaterally rescinded transaction, this is simply a case in which statutory law modifies common-law practice.

* * *

The Jesinoskis mailed respondents written notice of their intention to rescind within three years of their loan's consummation. Because this is all that a borrower must do in order to exercise his right to rescind under the Act, the court below erred in dismissing the complaint. Accordingly, we reverse the judgment of the Eighth Circuit and remand the case for further proceedings consistent with this opinion.

It is so ordered.

Syllabus

WHITFIELD *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 13–9026. Argued December 2, 2014—Decided January 13, 2015

Petitioner Whitfield, fleeing a botched bank robbery, entered 79-year-old Mary Parnell's home and guided a terrified Parnell from a hallway to a room a few feet away, where she suffered a fatal heart attack. He was convicted of, among other things, violating 18 U. S. C. § 2113(e), which establishes enhanced penalties for anyone who "forces any person to accompany him without the consent of such person" in the course of committing or fleeing from a bank robbery. On appeal, the Fourth Circuit held that the movement Whitfield required Parnell to make satisfied the forced-accompaniment requirement, rejecting his argument that § 2113(e) requires "substantial" movement.

Held: A bank robber "forces [a] person to accompany him," for purposes of § 2113(e), when he forces that person to go somewhere with him, even if the movement occurs entirely within a single building or over a short distance, as was the case here. At the time the forced-accompaniment provision was enacted, just as today, to "accompany" someone meant to "go with" him. The word does not, as Whitfield contends, connote movement over a substantial distance. Accompaniment requires movement that would normally be described as from one place to another. Here, Whitfield forced Parnell to accompany him for at least several feet, from one room to another, and that surely sufficed. The severity of the penalties for a forced-accompaniment conviction—a mandatory minimum of 10 years, and a maximum of life imprisonment—does not militate against this interpretation, for the danger of a forced accompaniment does not vary depending on the distance traversed. This reading also does not make any other part of § 2113's graduated penalty scheme superfluous. Pp. 267–270.

548 Fed. Appx. 70, affirmed.

SCALIA, J., delivered the opinion for a unanimous Court.

Joshua B. Carpenter argued the cause for petitioner. With him on the briefs were *Ross Richardson*, *Matthew S. Hellman*, *Adam G. Unikowsky*, *Erica L. Ross*, *R. Trent McCotter*, and *Matthew R. Segal*.

Brian H. Fletcher argued the cause for the United States. With him on the brief were *Solicitor General Verrilli*, *Assistant Attorney General Caldwell*, *Deputy Solicitor General Dreeben*, and *Daniel S. Goodman*.*

JUSTICE SCALIA delivered the opinion of the Court.

Federal law establishes enhanced penalties for anyone who "forces any person to accompany him" in the course of committing or fleeing from a bank robbery. 18 U. S. C. § 2113(e). We consider whether this provision applies when a bank robber forces someone to move with him over a short distance.

I

Petitioner Larry Whitfield, fleeing police after a botched bank robbery, entered the home of 79-year-old Mary Parnell through an unlocked door. Once inside, he encountered a terrified Parnell and guided her from the hallway to a computer room (which Whitfield estimates was between four and nine feet away. Brief for Petitioner 5). There, Parnell suffered a fatal heart attack. Whitfield fled, and was found hiding nearby.

A grand jury indicted Whitfield for, among other things, violating § 2113(e) by forcing Parnell to accompany him in the course of avoiding apprehension for a bank robbery. That section provides:

> "Whoever, in committing any offense defined in this section, or in avoiding or attempting to avoid apprehension for the commission of such offense . . . *forces any person to accompany him without the consent of such person*, shall be imprisoned not less than ten years, or if death results shall be punished by death or life imprisonment." (Emphasis added.)

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*Briefs of *amici curiae* urging reversal were filed for the Center on the Administration of Criminal Law by *Thomas G. Saunders* and *Jason D. Hirsch*; and for the National Association of Criminal Defense Lawyers by *Jeffrey T. Green* and *Jonathan Hacker*.

Whitfield pleaded not guilty to the offense but a jury convicted him.

On appeal, Whitfield challenged the sufficiency of the evidence, arguing that § 2113(e) requires "substantial" movement, and that his movement with Parnell did not qualify. Brief for Appellant in No. 10–5217 (CA4), pp. 50–52. The Fourth Circuit disagreed, holding that, "[a]lthough Whitfield required Mrs. Parnell to accompany him for only a short distance within her own home, and for a brief period, no more is required to prove that a forced accompaniment occurred." 695 F. 3d 288, 311 (2012). After further proceedings in the District Court and Court of Appeals, 548 Fed. Appx. 70 (2013), we granted certiorari, 573 U. S. 930 (2014).

II

Congress enacted the forced-accompaniment provision in 1934 after "an outbreak of bank robberies committed by John Dillinger and others." *Carter* v. *United States*, 530 U. S. 255, 280 (2000) (GINSBURG, J., dissenting). Section 2113 has been amended frequently, but the relevant phrase—"forces any person to accompany him without the consent of such person"—has remained unchanged, and so presumptively retains its original meaning. *Vermont Agency of Natural Resources* v. *United States ex rel. Stevens*, 529 U. S. 765, 783, n. 12 (2000).

In 1934, just as today, to "accompany" someone meant to "go with" him. See Oxford English Dictionary 60 (1st ed. 1933) (defining "accompany" as: "To go in company with, to go along with"). The word does not, as Whitfield contends, connote movement over a substantial distance. It was, and still is, perfectly natural to speak of accompanying someone over a relatively short distance, for example: from one area within a bank "to the vault";[1] "to the altar" at a wedding;[2]

[1] Addison State Bank Robbed, DuPage County Register, Apr. 6, 1928.

[2] Salmon-Peters Marriage Announcement, N. Y. Times, Dec. 7, 1930, p. N7.

"up the stairway";[3] or into, out of, or across a room.[4] English literature is replete with examples. See, *e. g.*, C. Dickens, David Copperfield 529 (Modern Library ed. 2000) (Uriah "accompanied me into Mr. Wickfield's room"); J. Austen, Pride and Prejudice 182 (Greenwich ed. 1982) (Elizabeth "accompanied her out of the room").

It is true enough that accompaniment does not embrace minimal movement—for example, the movement of a bank teller's feet when the robber grabs her arm. It must constitute movement that would normally be described as from one place to another, even if only from one spot within a room or outdoors to a different one. Here, Whitfield forced Parnell to accompany him for at least several feet, from one room to another. That surely sufficed.

In an attempt to support his position that "accompany" should be read to mean "accompany over a substantial distance," Whitfield observes that a forced-accompaniment conviction carries severe penalties: a mandatory minimum sentence of 10 years, and a maximum sentence of life imprisonment. In 1934, a forced-accompaniment conviction could even be punished with death. Act of May 18, 1934, ch. 304, § 3, 48 Stat. 783. The severity of these sentences, Whitfield says, militates against interpreting subsection (e) to capture forced accompaniment occurring over a small distance.

But it does not seem to us that the danger of a forced accompaniment varies with the distance traversed. Consider, for example, a hostage-taker's movement of one of his

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[3] Woman's Version of Norris Killing Being Challenged, Washington Post, Jan. 20, 1927, p. 3.

[4] See, *e. g.*, *Davis* v. *Potter*, 51 Idaho 81, 84, 2 P. 2d 318, 319 (1931) ("[T]he patient, still under the influence of the anesthetic, was wheeled to her room, accompanied by Dr. Sturges"); *Union & Planters' Bank & Trust Co.* v. *Rylee*, 130 Miss. 892, 906, 94 So. 796, 798 (1923) ("This witness further testified that when J. N. Rylee left the decedent's room she accompanied him into the hall"); *Vernonia School Dist. 47J* v. *Acton*, 515 U. S. 646, 650 (1995) ("The student then enters an empty locker room accompanied by an adult monitor of the same sex").

victims a short distance to a window, where she would be exposed to police fire; or his use of the victim as a human shield as he approaches the door. And even if we thought otherwise, we would have no authority to add a limitation the statute plainly does not contain. The Congress that wrote this provision may well have had most prominently in mind John Dillinger's driving off with hostages, but it enacted a provision which goes well beyond that. It is simply not in accord with English usage to give "accompany" a meaning that covers only large distances.

Whitfield also contends that "accompany" must be read narrowly in light of § 2113's graduated penalty scheme. That scheme prescribes: (1) a 20-year maximum sentence for bank robbers who use "force and violence" or "intimidation," § 2113(a), (2) a 25-year maximum sentence for those who "assaul[t]" or "pu[t] in jeopardy the life of" another "by the use of a dangerous weapon or device," § 2113(d), and (3) a minimum sentence of 10 years, and a maximum sentence of life, for forced accompaniment, § 2113(e). According to Whitfield, bank robbers almost always "exert some control over the movement of the bank's employees." Brief for Petitioner 22. Therefore, he says, unless "accompany" is limited to forced movement over substantial distances, nearly all § 2113 violations will be punishable under subsection (e), making subsections (a) and (d) pointless.

We disagree. Even if Whitfield is right that bank robbers always "exert some control" over others, it does not follow that they always force others to *accompany* them somewhere—that is, to go somewhere *with* them. As we have no reason to think that to be the case, and because subsections (a), (d), and (e) all cover distinct conduct, our interpretation of "accompany" does not make any part of § 2113 superfluous.

* * *

We hold that a bank robber "forces [a] person to accompany him," for purposes of § 2113(e), when he forces that per-

son to go somewhere with him, even if the movement occurs entirely within a single building or over a short distance. Defined in this manner, Whitfield forced Parnell to "accompany him." §2113(e). The judgment of the Fourth Circuit is affirmed.

It is so ordered.

Syllabus

JENNINGS *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 13–7211. Argued October 15, 2014—Decided January 14, 2015

Petitioner Jennings sought federal habeas relief based on three theories of ineffective assistance of counsel during the punishment phase of his state capital murder trial. The District Court granted relief on his two "*Wiggins* theories"—that counsel failed to present evidence of a deprived background and failed to investigate evidence of mental impairment, see *Wiggins* v. *Smith*, 539 U. S. 510—but not on his "*Spisak* theory"—that counsel expressed resignation to a death sentence during his closing argument, see *Smith* v. *Spisak*, 558 U. S. 139. The court ordered Texas to release Jennings unless, within 120 days, the State granted him a new sentencing hearing or commuted his death sentence. The State attacked the *Wiggins* theories on appeal, but Jennings defended on all three theories. The Fifth Circuit reversed the grant of habeas corpus under the two *Wiggins* theories and determined that it lacked jurisdiction over the *Spisak* claim. Implicitly concluding that raising this argument required a cross-appeal, the court noted that Jennings neither filed a timely notice of appeal, see Fed. Rule App. Proc. 4(a)(1)(A), nor obtained the certificate of appealability required by 28 U. S. C. § 2253(c).

Held: Jennings' *Spisak* theory was a defense of his judgment on alternative grounds, and thus he was not required to take a cross-appeal or obtain a certificate of appealability to argue it on appeal. Pp. 276–283.

(a) Because Jennings is an appellee who did not cross-appeal, he may "urge" his *Spisak* theory unless doing so would enlarge his rights or lessen the State's rights under the District Court's judgment. *United States* v. *American Railway Express Co.*, 265 U. S. 425, 435. Jennings' rights under the judgment were release, retrial, or commutation within a fixed time, at the State's option, and his *Spisak* claim, if accepted, would give him no more. The State's rights under the judgment were to retain Jennings in custody pending retrial or to commute his sentence; the *Spisak* claim, if accepted, would not further encumber the State. The State contends that, because the District Court's opinion entitled Jennings only to retrial (or resentencing) without the challenged errors, each additional basis asserted by Jennings sought to lessen the State's rights at retrial, and thus requires a cross-appeal. But this view

Syllabus

is contrary to the ordinary behavior of courts, which reduce their opinions and verdicts to judgments precisely to define the parties' rights and liabilities. A prevailing party seeks to enforce a district court's judgment, not its reasoning. *Rogers* v. *Hill*, 289 U. S. 582, 587. Thus, any potential claim that would have entitled Jennings to a new sentencing proceeding could have been advanced consistent with *American Railway*. Pp. 276–280.

(b) *Helvering* v. *Pfeiffer*, 302 U. S. 247, and *Alexander* v. *Cosden Pipe Line Co.*, 290 U. S. 484, would be in considerable tension with *American Railway* if they were read, as the State insists, as requiring Jennings to raise his *Spisak* claim on cross-appeal even if his rights under the court's judgment would remain undisturbed. *Pfeiffer* and *Alexander* involved disputes over multiple discrete federal tax liabilities, and the assertion of additional tax liabilities or defenses necessarily sought to enlarge or to reduce the rights of the Internal Revenue Service Commissioner. In contrast, Jennings, whether prevailing on a single theory or all three, sought the same, indivisible relief: a new sentencing hearing. Thus, *Pfeiffer* and *Alexander* cannot be viewed as contradicting the "'inveterate and certain'" *American Railway* rule. *Greenlaw* v. *United States*, 554 U. S. 237, 245. Pp. 280–282.

(c) The question whether 28 U. S. C. §2253(c)'s certificate of appealability requirement applies to cross-appeals need not be addressed here, for it is clear that the provision does not embrace the defense of a judgment on alternative grounds. Pp. 282–283.

537 Fed. Appx. 326, reversed and remanded.

SCALIA, J., delivered the opinion of the Court, in which ROBERTS, C. J., and GINSBURG, BREYER, SOTOMAYOR, and KAGAN, JJ., joined. THOMAS, J., filed a dissenting opinion, in which KENNEDY and ALITO, JJ., joined, *post*, p. 283.

Randolph L. Schaffer, Jr., argued the cause for petitioner. With him on the briefs was *Jeffrey T. Green*.

Andrew S. Oldham, Deputy Solicitor General of Texas, argued the cause for respondent. With him on the brief were *Greg Abbott*, Attorney General, *Jonathan F. Mitchell*, Solicitor General, *Daniel T. Hodge*, First Assistant Attorney General, and *Arthur C. D'Andrea* and *Alex Potapov*, Assistant Solicitors General.*

**Kent S. Scheidegger* filed a brief for the Criminal Justice Legal Foundation as *amicus curiae* urging affirmance.

JUSTICE SCALIA delivered the opinion of the Court.

Petitioner Robert Mitchell Jennings was sentenced to death for capital murder. He applied for federal habeas corpus relief on three theories of ineffective assistance of counsel, prevailing on two. The State appealed, and Jennings defended his writ on all three theories. We consider whether Jennings was permitted to pursue the theory that the District Court had rejected without taking a cross-appeal or obtaining a certificate of appealability.

I

In July 1988, petitioner Robert Mitchell Jennings entered an adult bookstore to commit a robbery. Officer Elston Howard, by unhappy coincidence, was at the same establishment to arrest the store's clerk. Undeterred, Jennings shot Howard four times, robbed the store, and escaped. Howard died from his wounds.

Howard was merely the most recent victim of Jennings' criminality. The State adjudicated Jennings a delinquent at 14, convicted him of aggravated robbery at 17, and of additional aggravated robberies at 20. He murdered Officer Howard only two months after his most recent release from prison.

Jennings was arrested, tried, and convicted of capital murder, and the State sought the death penalty. During the punishment phase, the State introduced evidence of Jennings' lengthy and violent criminal history. Jennings' attorney called only the prison chaplain, who testified about Jennings' improvement and that Jennings was not "incorrigible." Jennings' attorney acknowledged the difficulty of his sentencing defense in his closing remarks, commenting that he could not "quarrel with" a death sentence, but was nonetheless pleading for mercy for his client. The jury returned a special verdict, consistent with Texas law, that Jennings acted deliberately in the murder and that he would present a continuing threat to society. The trial court sen-

tenced Jennings to death. Texas courts affirmed Jennings' conviction and sentence and denied postconviction relief. *Jennings* v. *State*, No. AP–70911 (Tex. Crim. App., Jan. 20, 1993); *Ex parte Jennings*, 2008 WL 5049911 (Tex. Crim. App., Nov. 26, 2008).

Jennings applied for federal habeas corpus relief, asserting, as relevant here, three theories of ineffective assistance of counsel in the punishment phase of his trial. Jennings first claimed trial counsel was ineffective for failing to present evidence of his disadvantaged background, including that his conception was the product of his mother's rape, that his mother was only 17 when he was born, and that he grew up in poverty. Jennings offered his mother and sister as witnesses.

Jennings next argued that trial counsel was ineffective for failure to investigate and to present evidence of Jennings' low intelligence and organic brain damage. His trial attorney admitted in affidavit that he failed to review the case files from Jennings' prior convictions, which contained a report suggesting Jennings suffered from mild mental retardation and mild organic brain dysfunction. (The report also suggested that Jennings malingered, feigning mental illness in order to delay proceedings.) Jennings argued that trial counsel should have examined Jennings' prior case files, investigated Jennings' mental health problems, and presented evidence of mental impairment in the punishment phase.

Finally, Jennings argued that counsel was constitutionally ineffective for stating that he could not "quarrel with" a death sentence. According to Jennings, this remark expressed resignation to—even the propriety of—a death sentence.

Jennings cited our decision in *Wiggins* v. *Smith*, 539 U. S. 510 (2003), as establishing constitutional ineffectiveness when counsel fails to investigate or to introduce substantial mitigating evidence in a sentencing proceeding. Though he did not cite our decision in *Smith* v. *Spisak*, 558 U. S. 139

(2010), he also argued that counsel's closing remarks amounted to constitutional ineffectiveness. The parties referred to these alleged errors as the "*Wiggins* errors" and the "*Spisak* error"; we use the same terminology.

The federal habeas court granted Jennings relief on both of his *Wiggins* theories, but denied relief on his *Spisak* theory. *Jennings* v. *Thaler*, 2012 WL 1440387 (SD Tex., Apr. 23, 2012). The court ordered that the State "shall release Jennings from custody unless, within 120 days, the State of Texas grants Jennings a new sentencing hearing or resentences him to a term of imprisonment as provided by Texas law at the time of Jennings[']s crime." *Id.*, at *7.

The State appealed, attacking both *Wiggins* theories (viz., trial counsel's failure to present evidence of a deprived background and failure to investigate evidence of mental impairment). Jennings argued before the Fifth Circuit that the District Court correctly found constitutional ineffectiveness on both *Wiggins* theories, and argued again that trial counsel performed ineffectively under his *Spisak* theory. The Fifth Circuit reversed the grant of habeas corpus under the two *Wiggins* theories and rendered judgment for the State. 537 Fed. Appx. 326, 334–335 (2013). The court determined that it lacked jurisdiction over Jennings' *Spisak* theory. *Id.*, at 338–339. Implicitly concluding that raising this argument required taking a cross-appeal, the panel noted that Jennings failed to file a timely notice of appeal, see Fed. Rule App. Proc. 4(a)(1)(A), and failed to obtain a certificate of appealability as required by 28 U. S. C. § 2253(c). Section 2253(c) provides, as relevant here, that "[u]nless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from . . . the final order in a habeas corpus proceeding."

We granted certiorari, 572 U. S. 1015 (2014), to decide whether Jennings was required to file a notice of cross-appeal and seek a certificate of appealability to pursue his *Spisak* theory.

II

The rules governing the argumentation permissible for appellees urging the affirmance of judgment are familiar, though this case shows that familiarity and clarity do not go hand-in-hand.

A

An appellee who does not take a cross-appeal may "urge in support of a decree any matter appearing in the record, although his argument may involve an attack upon the reasoning of the lower court." *United States* v. *American Railway Express Co.*, 265 U. S. 425, 435 (1924). But an appellee who does not cross-appeal may not "attack the decree with a view either to enlarging his own rights thereunder or of lessening the rights of his adversary." *Ibid.* Since Jennings did not cross-appeal the denial of his *Spisak* theory, we must determine whether urging that theory sought to enlarge his rights or lessen the State's under the District Court's judgment granting habeas relief.

The District Court's opinion, in its section labeled "Order," commanded the State to "release Jennings from custody unless, within 120 days, the State of Texas grants Jennings a new sentencing hearing or resentences him to a term of imprisonment as provided by Texas law at the time of Jennings[']s crime." 2012 WL 1440387, at *7. The District Court's corresponding entry of judgment contained similar language. App. 35. The intuitive answer to the question whether Jennings' new theory expands these rights is straightforward: Jennings' rights under the judgment were what the judgment provided—release, resentencing, or commutation within a fixed time, at the State's option; the *Spisak* theory would give him the same. Similarly, the State's rights under the judgment were to retain Jennings in custody pending resentencing or to commute his sentence; the *Spisak* theory would allow no less.

The State objects to this straightforward result. A conditional writ of habeas corpus, it argues, does not merely entitle a successful petitioner to retrial (or resentencing), but it entitles him to retrial (or resentencing) *without the challenged errors*. Because each basis for habeas relief imposes an additional implied obligation on the State (not to repeat *that* error), each basis asserted by a successful petitioner seeks to lessen the State's rights at retrial, and therefore each additional basis requires a cross-appeal.

This is an unusual position, and one contrary to the manner in which courts ordinarily behave. Courts reduce their opinions and verdicts to judgments precisely to define the rights and liabilities of the parties. Parties seeking to enforce a foreign court's decree do not attempt to domesticate an opinion; they domesticate a *judgment*. Restatement (Third) of Foreign Relations Law of the United States §§ 481–482 (1987). A prevailing party seeks to enforce not a district court's reasoning, but the court's *judgment*. *Rogers* v. *Hill*, 289 U. S. 582, 587 (1933). This Court, like all federal appellate courts, does not review lower courts' opinions, but their *judgments*. *Chevron U. S. A. Inc.* v. *Natural Resources Defense Council, Inc.*, 467 U. S. 837, 842 (1984). And so a rule that contravenes this structure, that makes the opinion part of the judgment, is peculiar—especially when it is applied to impose extrajudgment obligations on a sovereign State.

The State's argument might have force in a case where a district court *explicitly* imposes (or the appellee asks the appellate court explicitly to impose) a condition governing the details of the retrial. But that case is not before us. The implications of the State's position make clear why such orders are atypical, and why we should not infer such conditions from silence. Construing every federal grant of habeas corpus as carrying an attendant list of unstated acts (or omissions) that the state court must perform (or not per-

form) would substantially transform conditional habeas corpus relief from an opportunity "to replace an invalid judgment with a valid one," *Wilkinson* v. *Dotson*, 544 U. S. 74, 87 (2005) (SCALIA, J., concurring), to a general grant of supervisory authority over state trial courts.

In a variation on the same theme, the dissent posits that, apart from implied terms, a habeas petitioner who successfully defends a judgment on an alternative ground *has* expanded his rights under the judgment, because he has changed the judgment's issue-preclusive effects. This theory confuses a party's rights under a judgment—here, the right to release, resentencing, or commutation, at the State's option—with preclusive effects that the judgment might have in future proceedings. That makes nonsense of *American Railway*. *Whenever* an appellee successfully defends a judgment on an alternative ground, he changes what would otherwise be the judgment's issue-preclusive effects. Thereafter, issue preclusion no longer attaches to the ground on which the trial court decided the case, and instead attaches to the alternative ground on which the appellate court affirmed the judgment. Restatement (Second) of Judgments § 27 (1982). Thus, making alteration of issue-preclusive effects the touchstone of necessity for cross-appeal would require cross-appeal for *every* defense of a judgment on alternative grounds. That is, of course, the polar opposite of the rule we established in *American Railway*.

Under the habeas court's judgment, Jennings was entitled, at the State's option, to either release, resentencing, or commutation of his sentence. Any potential claim that would have entitled Jennings to a new sentencing proceeding could have been advanced to "urge . . . support" of the judgment within the meaning of *American Railway*. 265 U. S., at 435. The dissent and the State contend that applying *American Railway* in this fashion will lead to a proliferation of frivolous appellate defenses in habeas cases. If so, that is a problem that can only be solved by Congress. Until it does so,

we think it appropriate to adhere to the usual law of appeals.

We think, however, that the danger is exaggerated. To begin with, not all defenses will qualify. A habeas applicant who has won resentencing would be required to take a cross-appeal in order to raise a rejected claim that would result in a new trial. Similarly, even if a habeas applicant has won retrial below, a claim that his conduct was constitutionally beyond the power of the State to punish would require cross-appeal. And even a successful applicant doing no more than defending his judgment on appeal is confined to those alternative grounds present *in the record*: he may not simply argue *any* alternative basis, regardless of its origin. *Ibid.*

Moreover, successful habeas applicants have an incentive to defend their habeas grants effectively, an objective that is not furthered by diverting an appellate court's attention from a meritorious defense to a frivolous one. The dissent gives two examples of habeas petitioners who raised numerous ostensibly frivolous claims. *Post*, at 291. They prove nothing except the dissent's inability to substantiate its claim that our holding will foster the presentation of frivolous alternative grounds for affirmance. For both examples involved habeas petitioners who *lost* before the magistrate and were casting about for any basis that might justify a writ. We are talking here about habeas petitioners who have *won* before the district court. The notion that they can often be expected to dilute their defense of the (by-definition-nonfrivolous) basis for their victory by dragging in frivolous alternative grounds to support it is thoroughly implausible. Indeed, as the State and Jennings agree, it is rare that a habeas petitioner successful in the district court will even be called upon to defend his writ on appeal.

And finally, we doubt that any more judicial time will be wasted in rejection of frivolous claims made in defense of judgment on an appeal already taken than would be wasted in rejection of similar claims made in (what the State and

dissent would require) a separate proceeding for a certificate of appealability. To be sure, as the dissent points out, *post*, at 292, the certificate ruling will be made by just one judge rather than three; but that judge will *always* be required to consider and rule on the alternative grounds, whereas the three-judge court entertaining the government's habeas appeal will not reach the alternative grounds unless it rejects the ground relied on by the lower court. Not to mention the fact that in an already-pending appeal the court can give the back of its hand to frivolous claims *en passant*, whereas the certificate process requires the opening and disposition of a separate proceeding.

In the end, the dissent tries to evade *American Railway* by asserting that habeas corpus is "unique." *Post*, at 290. There are undoubtedly some differences between writs of habeas corpus and other judgments—most notably, that habeas proceedings traditionally ignored the claim-preclusive effect of earlier adjudications. But the reality that *some things* about habeas are different does not mean that *everything* about habeas is different. The dissent must justify why the particular distinction it urges here—abandonment of the usual *American Railway* rule—is an appropriate one. It cannot.

B

The State also advances what could be termed a corollary to the *American Railway* rule. Citing *Helvering* v. *Pfeiffer*, 302 U. S. 247 (1937), and *Alexander* v. *Cosden Pipe Line Co.*, 290 U. S. 484 (1934), the State insists that a cross-appeal is necessary not only for Jennings to enlarge his rights under the District Court's judgment, but also to attack the District Court's ruling rejecting his *Spisak* theory, even if Jennings' rights under the court's judgment would remain undisturbed.

The view of *Pfeiffer* and *Alexander* advanced by the State would put these cases in considerable tension with our oft-reaffirmed holding in *American Railway.* And it is not the

correct view. Both *Pfeiffer* and *Alexander* arose from disputes between the Commissioner of the Internal Revenue Service and taxpayers regarding multiple discrete federal tax liabilities. *Pfeiffer*, *supra*, at 248; *Alexander*, *supra*, at 486. In *Pfeiffer*, the Commissioner prevailed before the Board of Tax Appeals on his contention that a dividend was taxable, but lost a similar claim against a cash payment. Only the taxpayer sought the Second Circuit's review, and the taxpayer prevailed on the dividend liability. 302 U. S., at 249. In *Alexander*, the taxpayer sought refund of four tax liabilities; the taxpayer won on all four. Only the Commissioner appealed to the Tenth Circuit, and that court affirmed two of the refunds, eliminated a third, and reduced a fourth. *Pfeiffer*, *supra*, at 248–249; *Alexander*, *supra*, at 486. The Commissioner sought our review in both cases; we refused to entertain the Commissioner's arguments regarding the cash payment in *Pfeiffer*, or the taxpayer's regarding the eliminated and reduced claims in *Alexander*, citing *American Railway*.

The State argues that these holdings expanded the need for cross-appeal, beyond merely those arguments that would enlarge rights under the judgment, to those arguments that revisit a lower court's disposition of an issue on which a judgment rests. For, the State argues, the rejected arguments would not *necessarily* have expanded the Commissioner's or the taxpayer's rights; if some of the points on which the respective appellee won below were rejected on appeal, his new arguments might do no more than preserve the amount assessed.

But this view of *Pfeiffer* and *Alexander* distorts *American Railway*. *American Railway* does not merely require a cross-appeal where a party, if fully successful on his new arguments, would certainly obtain greater relief than provided below; it requires cross-appeal if the party's arguments are presented "*with a view* either to enlarging his own rights thereunder or of lessening the rights of his adversary." 265

U. S., at 435. In *Pfeiffer* and *Alexander* the assertion of additional tax liabilities or defenses, respectively, necessarily sought to enlarge or to reduce the Commissioner's rights, even if, under some combination of issues affirmed and reversed, one possibility would have produced no more than the same tax obligations pronounced by the judgment below.

Once we have rejected the State's—and dissent's—theories of implied terms in conditional writs, Jennings' *Spisak* theory sought the same relief awarded under his *Wiggins* theories: a new sentencing hearing. Whether prevailing on a single theory or all three, Jennings sought the same, indivisible relief. This occurred in neither *Pfeiffer* nor *Alexander*, and we decline to view those cases as contradicting our "'inveterate and certain'" rule in *American Railway. Greenlaw* v. *United States*, 554 U. S. 237, 245 (2008).

C

Finally, the State urges that even if Jennings was not required to take a cross-appeal by *American Railway*, *Pfeiffer*, and *Alexander*, he was required to obtain a certificate of appealability. We disagree.

Section 2253(c) of Title 28 provides that "an appeal may not be taken to the court of appeals" without a certificate of appealability, which itself requires "a substantial showing of the denial of a constitutional right." It is unclear whether this requirement applies to a habeas petitioner seeking to cross-appeal in a case that is already before a court of appeals. Section 2253(c) performs an important gate-keeping function, but once a State has properly noticed an appeal of the grant of habeas relief, the court of appeals must hear the case, and "there are no remaining gates to be guarded." *Szabo* v. *Walls*, 313 F. 3d 392, 398 (CA7 2002) (Easterbrook, J.).

But we need not decide that question now, since it is clear that § 2253(c) applies only when "an appeal" is "taken to the court of appeals." Whether or not this embraces a cross-

appeal, it assuredly does not embrace the defense of a judgment on alternative grounds. Congress enacted § 2253(c) against the well-known, if not entirely sharp, distinction between defending a judgment on appeal and taking a cross-appeal. Nothing in the statute justifies ignoring that distinction.

The dissent laments that this result frustrates AEDPA's purpose of preventing "frivolous appeals." *Post*, at 291. It can indulge that lament only by insisting that the defense of an appealed judgment on alternative grounds is itself an appeal. The two are not the same. The statutory text at issue here addresses the "tak[ing]" of an appeal, not "the making of arguments in defense of a judgment from which appeal has been taken." Extending the certificate of appealability requirement from the former to the latter is beyond the power of the courts.

* * *

Because Jennings' *Spisak* theory would neither have enlarged his rights nor diminished the State's rights under the District Court's judgment, he was required neither to take a cross-appeal nor to obtain a certificate of appealability. We reverse the judgment of the Fifth Circuit and remand the case for consideration of Jennings' *Spisak* claim.

It is so ordered.

JUSTICE THOMAS, with whom JUSTICE KENNEDY and JUSTICE ALITO join, dissenting.

The Court holds today that a prisoner who obtains an order for his release unless the State grants him a new sentencing proceeding may, as an appellee, raise any alternative argument rejected below that could have resulted in a similar order. In doing so, the majority mistakenly equates a judgment granting a conditional-release order with an ordinary civil judgment. I respectfully dissent.

I

Title 28 U. S. C. § 2253(c)(1)(A), as amended by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), provides in relevant part: "Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from . . . the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court." Further, "[a] certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right," and the certificate must "indicate which specific issue or issues satisfy [that] showing." §§ 2253(c)(2), (3). Because Jennings did not obtain a certificate of appealability (COA), we must consider whether, by raising his "cross-point," he took an appeal within the meaning of AEDPA.

I agree with the majority that if a habeas petitioner takes what is, in substance or in form, a cross-appeal to the court of appeals, then he must obtain a COA. The failure to obtain a COA is a jurisdictional bar to review. See *Gonzalez* v. *Thaler*, 565 U. S. 134, 143 (2012). The critical question the Court faces is whether Jennings' "cross-point" was in fact a cross-appeal.

II

A

The majority correctly identifies the rule we apply to determine whether a party has taken a cross-appeal, *United States* v. *American Railway Express Co.*, 265 U. S. 425, 435 (1924), but then fails to apply it in accordance with the history of the writ of habeas corpus, our precedents concerning conditional-release orders, and traditional principles governing equitable relief. Each of these guides supports the conclusion that a prisoner who obtains a conditional-release order allowing the State to resentence him in a new proceeding is entitled, if the State elects that option, to

a new sentencing proceeding free of the specific constitutional violation identified by the district court. Because a conditional-release order embodies this specific right, an appellee's attempt to add additional errors is an attempt to modify or expand his rights under the judgment.

For most of its existence, the writ of habeas corpus was understood far more narrowly than it is today. See *Wright* v. *West*, 505 U. S. 277, 285–287 (1992) (opinion of THOMAS, J.). Originally, it played only a procedural role: It issued as of right when a prisoner showed probable cause to believe he was being held illegally—that is, without a conviction entered by a court of competent jurisdiction over the prisoner—and obligated the warden to file a "return" identifying the grounds of imprisonment. W. Church, A Treatise on the Writ of Habeas Corpus §§ 94, 122 (rev. 2d ed. 1893) (hereinafter Church). The "grant of the writ decided nothing except that there was a case calling for an answer by the gaoler." Goddard, A Note on Habeas Corpus, 65 L. Q. Rev. 30, 34 (1949). And the court's ultimate decision on the matter was limited to confirming the legality of the prisoner's confinement or ordering his immediate discharge. See Church §§ 130, 131.

The writ today, by contrast, is invoked to justify broad federal review of state criminal proceedings for constitutional violations. And, when a district court issues the writ, it usually enters a conditional-release order, offering the State a choice between immediate release or a retrial (or resentencing) within a defined period of time. See *Wilkinson* v. *Dotson*, 544 U. S. 74, 86–87 (2005) (SCALIA, J., concurring).

The purpose of a conditional-release order is to afford the State an opportunity to remedy the specific constitutional violation identified by the district court. Since its inception over a century ago, we have treated a conditional-release order as entitling a habeas petitioner not just to a new proceeding, but to a new proceeding that cures the specific de-

fect identified by the district court. One of our earliest precedents contemplating such an order is *In re Bonner*, 151 U. S. 242, 259–260 (1894). That case involved a prisoner who had been lawfully convicted, but unlawfully ordered to serve his federal sentence in a state penitentiary. *Id.*, at 254–255, 260. Invoking its "power to control and direct the form of judgment to be entered in cases brought up before it on *habeas corpus*," the Court ordered the delay of discharge to allow the prisoner to be "taken before the court where the judgment was rendered, that *the defects* for want of jurisdiction *which are the subject of complaint* in that judgment *may be corrected*." *Id.*, at 261 (emphasis added); see also *Magwood* v. *Patterson*, 561 U. S. 320, 347 (2010) (KENNEDY, J., joined by, *inter alios*, ALITO, J., dissenting) ("[A] conditional grant of relief . . . allows the state court to correct an error that occurred at the original sentencing"). That understanding of habeas judgments has prevailed in an unbroken line of precedent. See *Richmond* v. *Lewis*, 506 U. S. 40, 52 (1992); *Hilton* v. *Braunskill*, 481 U. S. 770, 775 (1987); *Dowd* v. *United States ex rel. Cook*, 340 U. S. 206, 209–210 (1951); *Mahler* v. *Eby*, 264 U. S. 32, 46 (1924). Cf. *Dotson*, *supra*, at 86 (SCALIA, J., concurring) ("[T]he conditional writ serves only to 'delay the release . . . in order to provide the State an opportunity to correct the constitutional violation'" (quoting *Braunskill*, *supra*, at 775)).

When the State fails to cure the specific constitutional violation identified by the district court, the habeas petitioner is entitled to release. That is because the prevailing habeas petitioner has shown that his conviction or sentencing proceeding was unconstitutional and that he is therefore "actually entitled to release." *Dotson*, 544 U. S., at 86 (SCALIA, J., concurring). "Conditional writs enable habeas courts to give States time to replace an invalid judgment with a valid one, and the consequence when they fail to do so is always release." *Id.*, at 87. But that entitlement to release is tied to the constitutional violation identified by the Court. A

State committing a new constitutional violation during the new sentencing proceeding will not be required to release the habeas petitioner under the old order. Cf. *Magwood*, *supra*, at 339 (explaining that a habeas petitioner who obtains a new sentencing proceeding on the basis of one error may subsequently raise, in a first habeas application, other errors repeated in that proceeding).

A habeas petitioner's rights under the conditional-release order are thus defined by the violation that justified its entry, not by the wording of the order. *Pitchess* v. *Davis*, 421 U. S. 482 (1975) (*per curiam*), makes that clear. *Davis* involved a prisoner who had obtained habeas relief because the prosecutor had failed to disclose a material and exculpatory laboratory report, in violation of *Brady* v. *Maryland*, 373 U. S. 83 (1963). 421 U. S., at 483. When the State moved to retry him, the prisoner discovered that the State had destroyed some of the physical evidence used against him at his initial trial. *Id.*, at 484. The District Court granted the prisoner's motion to convert its initial conditional-release order into an unconditional order. *Id.*, at 485. After the Court of Appeals affirmed that decision, this Court granted certiorari and reversed. *Id.*, at 486, 490. Although the conditional-release order provided only that the prisoner should be released unless the State moved to retry him within 60 days, *Davis* v. *Pitchess*, 388 F. Supp. 105, 114 (CD Cal. 1974), the Court read that conditional-release order to require the State to "provid[e] *respondent with the laboratory report*," in addition to moving to retry him within 60 days, *Davis*, 421 U. S., at 483 (emphasis added). Because the order did not address the separate issue of the physical evidence, the Court refused to allow the District Court to use its destruction as a basis for converting the conditional-release order to an unconditional order.

That decision makes sense when considered in light of traditional principles of equitable relief. "This Court has frequently rested its habeas decisions on equitable principles."

Withrow v. *Williams*, 507 U. S. 680, 717 (1993) (SCALIA, J., concurring in part and dissenting in part). (Such principles remain relevant after AEDPA's enactment when they are consistent with the statutory scheme Congress adopted. See, *e. g.*, *McQuiggin* v. *Perkins*, 569 U. S. 383, 403 (2013) (SCALIA, J., dissenting).) And the Court has frequently recognized that an equitable "remedy must . . . be limited to the inadequacy that produced" the asserted injury. *Lewis* v. *Casey*, 518 U. S. 343, 357 (1996). Thus, a conditional-release order will not "permit a federal habeas court to maintain a continuing supervision over a retrial conducted pursuant to a conditional writ granted by the habeas court." *Davis*, 421 U. S., at 490. But neither will a conditional-release order permit a State to hold a prisoner under a new judgment infected by the same constitutional violation that justified the order's entry in the first place. See *Dotson*, *supra*, at 87 (SCALIA, J., concurring); *Harvest* v. *Castro*, 531 F. 3d 737, 750 (CA9 2008); *Phifer* v. *Warden*, 53 F. 3d 859, 864–865 (CA7 1995). Such an interpretation of habeas judgments would render the writ hollow.

The history of the writ of habeas corpus, the treatment of conditional-release orders, and traditional principles of equitable relief resolve the dispute at issue here. A habeas petitioner awarded a conditional-release order based on an error at his sentencing proceeding is entitled, under that order, to a new proceeding without the specific constitutional violation identified by the district court. Raising any other constitutional violation on appeal would be an attempt to modify the prisoner's rights flowing from that order.

B

Given these principles, the judgment of the Court of Appeals should be affirmed. Jennings prevailed in the District Court on two theories of ineffective assistance of counsel and lost on another. The District Court entered a conditional-

release order instructing the State to release Jennings unless it granted Jennings a new sentencing hearing within 120 days or commuted his sentence. *Ante,* at 276. Under this Court's precedents, that general order embodies a specific instruction to the State with respect to a new sentencing proceeding: resentence Jennings without the two identified *Wiggins* errors. See *ante,* at 275 (citing *Wiggins* v. *Smith*, 539 U. S. 510 (2003)). The State's failure to comply with that order would justify Jennings' release. Jennings attempted, through his cross-point, to expand his rights under the judgment when he attempted to alter the instruction to the State—adding an additional instruction about a *Spisak* error—and, accordingly, the grounds upon which he could obtain immediate release. See *ante*, at 275 (citing *Smith* v. *Spisak*, 558 U. S. 139 (2010)). Jennings' cross-point was in substance a cross-appeal for which he needed to obtain a COA.

III

A

The majority makes no attempt to reconcile its decision with the history of conditional-release orders, our precedents, or traditional limitations on equitable relief. Nor could it. Instead, it divines an "intuitive answer" to the question presented, *ante,* at 276, from the law of judgments. But not only is this the incorrect source of law, the majority's position is fundamentally at odds with the law of judgments on which it purports to rely.

The majority agrees that, to understand how the cross-appeal rule applies in a given case, one must understand the rights that parties obtained under the judgment at issue. But the majority refuses to look past the language of the conditional-release order. It is, of course, true that parties domesticate judgments, not opinions. *Ante,* at 277. And it is similarly true that prevailing parties enforce judgments,

not reasoning. *Ibid.* Those truisms, however, do not answer the question here, which is what rights flow from those judgments.

In answering *that* question, the majority simply announces that the rights that flow from a habeas petitioner's judgment are the same rights that flow from any other civil judgment. But that assertion ignores the unique context of habeas, in which the traditional principles of the law of judgments have never applied. As explained above, the writ of habeas corpus was historically a purely procedural mechanism to obtain a court's determination as to the legality of a prisoner's confinement. Church §§ 94, 122, 130, 131. And that determination was never treated as an ordinary civil judgment entitled to res judicata effect. *Id.*, § 386; see also *McCleskey* v. *Zant*, 499 U. S. 467, 479 (1991).

Even if the majority were correct that the law of judgments could simply be imported to the habeas context, it misapplies that law. Under long recognized principles, including the doctrine of preclusion, parties have greater rights under civil judgments than merely the particular relief afforded. A prevailing plaintiff's claims are wholly merged into his judgment, preventing a defendant, in a future action on that judgment, from availing himself of defenses that he could have raised in the court's first adjudication of the claims. Restatement (Second) of Judgments § 18 (1980). And a defendant, whether victorious or not, can rely upon that judgment as the final adjudication of a particular claim, preventing the plaintiff from pursuing another action against him in the future on that same claim. *Id.*, § 19. These principles give rights to the parties beyond the remedy ordered. By narrowly and artificially defining the rights flowing from a civil judgment as solely those rights identified in a written order, the majority disregards these basic principles. And because the majority purports to apply the general law of judgments, its decision will do damage well beyond the habeas context in which this case arises.

B

In the habeas context specifically, the majority's opinion invites the same frivolous appeals that Congress passed AEDPA to prevent. Although courts had long relied on the certificate of probable cause as a mechanism to prevent frivolous appeals in habeas cases, AEDPA further narrowed access to such appeals with the creation of the COA requirement. *Miller-El* v. *Cockrell*, 537 U. S. 322, 356 (2003) (THOMAS, J., dissenting). A habeas petitioner cannot obtain a COA absent a substantial showing of the denial of a *constitutional*, not merely federal, right. See *Slack* v. *McDaniel*, 529 U. S. 473, 483–484 (2000). This requirement serves an important gatekeeping function. But the majority's decision will seriously undermine the courts' ability to perform this function by allowing prisoners to pursue *any* alternative allegation, no matter how frivolous, that would have justified the same new proceeding awarded in the conditional-release order below.

This danger is by no means "exaggerated," *ante,* at 279, as the majority suggests. Habeas petitioners frequently pursue 20 or more arguments on collateral review, even though they could more effectively concentrate on a handful of arguments. See, *e. g.*, *Calvert* v. *Henderson*, 2012 WL 1033632, *1 (ED La., Mar. 27, 2012) (raising 26 allegations of ineffective assistance of counsel); *Battle* v. *Roper*, 2009 WL 799604, *13 (ED Mo., Mar. 24, 2009) (raising one double jeopardy issue and 20 allegations of ineffective assistance of counsel). I see little reason to suspect that the prisoners who file these scattershot applications will suddenly alter their strategy on appeal. Indeed, the experience of the Courts of Appeals suggests otherwise. See, *e. g.*, *Jones* v. *Keane*, 329 F. 3d 290, 296 (CA2 2003) (noting, but refusing to consider absent a COA, a prevailing habeas petitioner's "alternative grounds" for affirmance—allegations of insufficiency of the evidence and ineffective assistance of both trial and appellate counsel). And the experience of the courts of appeals with this conduct

is only likely to grow now that the majority has approved it. Where before only the United States Court of Appeals for the Seventh Circuit had permitted prevailing habeas petitioners to raise rejected claims as alternative grounds for affirmance, now all courts of appeals will be subject to that rule.

The majority also overlooks a significant procedural distinction between an application for a COA and a merits appeal. The majority expresses "doubt that any more judicial time will be wasted in rejection of frivolous claims made in defense of judgment on an appeal already taken than would be wasted in rejection of similar claims made in . . . a separate proceeding for a certificate of appealability." *Ante*, at 279–280. But a COA can be decided by a single court of appeals judge, 28 U. S. C. § 2253(c)(1), while a merits appeal must be heard by a three-judge panel. By mandating the involvement of two additional judges in the adjudication of these claims, today's ruling *triples* the burden on the courts of appeals.

* * *

This Court has repeatedly recognized that AEDPA's purpose is to "reduc[e] delays in the execution of state and federal criminal sentences." *Ryan* v. *Valencia Gonzales*, 568 U. S. 57, 76 (2013) (internal quotation marks omitted). One of the key ways in which AEDPA encourages finality is to narrow the scope of appellate review by requiring habeas petitioners to obtain COAs. The majority's decision undermines that legislative choice and, in so doing, transforms the understanding of conditional-release orders that has prevailed since the Court first announced their creation. I respectfully dissent.

Syllabus

T-MOBILE SOUTH, LLC *v.* CITY OF ROSWELL, GEORGIA

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 13–975. Argued November 10, 2014—Decided January 14, 2015

Respondent Roswell's city council (Council) held a public hearing to consider an application by petitioner T-Mobile South, LLC, to build a cell phone tower on residential property. During the hearing, several Council members expressed concerns about the tower's impact on the area. The hearing ended with the Council unanimously passing a motion to deny the application. Two days later, the City's Planning and Zoning Division informed petitioner by letter that the application had been denied and that minutes from the hearing would be made available. The detailed minutes were published 26 days later.

Petitioner filed suit, alleging that the Council's denial was not supported by substantial evidence in the record. The District Court agreed, concluding that the City, by failing to issue a written decision stating its reasons for denying the application, had violated the Telecommunications Act of 1996, which provides that a locality's denial "shall be in writing and supported by substantial evidence contained in a written record," 47 U. S. C. § 332(c)(7)(B)(iii). The Eleventh Circuit, following its precedent, found that the Act's requirements were satisfied here because petitioner had received a denial letter and possessed a transcript of the hearing that it arranged to have recorded.

Held:

1. Section 332(c)(7)(B)(iii) requires localities to provide reasons when they deny applications to build cell phone towers. This conclusion follows from the Act's provisions, which both preserve and specifically limit traditional state and local government authority. It would be considerably difficult for a reviewing court to determine whether a locality's denial was "supported by substantial evidence contained in a written record," § 332(c)(7)(B)(iii), or whether a locality had "unreasonably discriminate[d] among providers of functionally equivalent services," § 332(c)(7)(B)(i)(I), or regulated siting "on the basis of the environmental effects of radio frequency emissions," § 332(c)(7)(B)(iv), if localities were not obligated to state their reasons for denial. And nothing in the Act suggests that Congress meant to use the phrase "substantial evidence" as anything but an administrative law "term of art" that describes how "an administrative record is to be judged by a reviewing court." *United States* v. *Carlo Bianchi & Co.*, 373 U. S. 709, 715. Pp. 300–302.

Syllabus

2. Localities are not required to provide their reasons for denying siting applications in the denial notice itself, but may state those reasons with sufficient clarity in some other written record issued essentially contemporaneously with the denial. Pp. 302–307.

(a) Nothing in the Act's text imposes a requirement that the reasons be given in any particular form, and the Act's saving clause, § 332(c)(7)(A), makes clear that the only limitations imposed on local governments are those enumerated in the statute. Localities comply with their obligation to give written reasons so long as those reasons are stated clearly enough to enable judicial review. Because an adversely affected entity must decide whether to seek judicial review within 30 days from the date of the denial, § 332(c)(7)(B)(v), and because a court cannot review the denial without knowing the locality's reasons, the locality must provide or make available its written reasons at essentially the same time as it communicates its denial. Pp. 302–305.

(b) Petitioner's contrary arguments are unavailing. The statute's word "decision" does not connote a written document that itself provides all the reasons for a given judgment. The absence of the word "notify" in the provision at issue also does not signal an intention to require communication of more than a judgment. Nor does an obligation to provide reasons in the writing conveying the denial arise from the "substantial evidence" requirement itself or from the requirement of court review "on an expedited basis," § 332(c)(7)(B)(v). It is sufficient that a locality's reasons be provided in a manner that is clear enough and prompt enough to enable judicial review. Pp. 305–307.

3. The City failed to comply with its statutory obligations under the Act. Although it issued its reasons in writing and did so in an acceptable form, it did not provide its written reasons essentially contemporaneously with its written denial when it issued detailed minutes 26 days after the date of the written denial and 4 days before expiration of petitioner's time to seek judicial review. Pp. 307–308.

731 F. 3d 1213, reversed and remanded.

SOTOMAYOR, J., delivered the opinion of the Court, in which SCALIA, KENNEDY, BREYER, ALITO, and KAGAN, JJ., joined. ALITO, J., filed a concurring opinion, *post*, p. 308. ROBERTS, C. J., filed a dissenting opinion, in which GINSBURG, J., joined, and in which THOMAS, J., joined as to Part I, *post*, p. 309. THOMAS, J., filed a dissenting opinion, *post*, p. 317.

Jeffrey L. Fisher argued the cause for petitioner. With him on the briefs were *Thomas Scott Thompson*, *Peter Karanjia*, *Daniel P. Reing*, *Laura Buckland*, *Timothy X. Sullivan*, and *John L. Zembruski.*

Ann O'Connell argued the cause for the United States as *amicus curiae* urging reversal. With her on the brief were *Solicitor General Verrilli*, *Deputy Solicitor General Stewart*, *Jonathan B. Sallet*, *David M. Gossett*, and *Richard K. Welch.*

Richard A. Carothers argued the cause for respondent. With him on the briefs was *Regina Benton Reid.**

JUSTICE SOTOMAYOR delivered the opinion of the Court.

The Telecommunications Act of 1996 provides, in relevant part, that "[a]ny decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record." 110 Stat. 151, 47 U. S. C. § 332(c)(7)(B)(iii). The question presented is whether, and in what form, localities must provide reasons when they deny telecommunication companies' applications to construct cell phone towers. We hold that localities must provide or make available their reasons, but that those reasons need not appear in the written denial letter or notice provided by the locality. Instead, the locality's reasons may appear in some other written record so long as the reasons are sufficiently clear and are provided or made accessible to the applicant essentially contemporaneously with the written denial letter or notice.

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*Briefs of *amici curiae* urging reversal were filed for the Chamber of Commerce of the United States of America et al. by *William S. Consovoy*, *Joshua S. Turner*, *Megan L. Brown*, *Kate Comerford Todd*, *Tyler R. Green*, *Karen R. Harned*, and *Elizabeth Milito*; for the Competitive Carriers Association by *L. Rachel Lerman* and *Brian E. Casey*; for CTIA—The Wireless Association by *Michael K. Kellogg*, *Gregory G. Rapawy*, *Emily T. P. Rosen*, and *Michael F. Altschul*; for PCIA—The Wireless Infrastructure Association by *Bryan N. Tramont*, *Craig E. Gilmore*, and *Michael D. Sullivan*; and for Towercom V, LLC, by *Mohammad O. Jazil*, *Gary K. Hunter*, and *D. Kent Safriet.*

Tillman L. Lay, *Katharine M. Mapes*, *Jessica R. Bell*, and *Lisa Soronen* filed a brief for the National League of Cities et al. as *amici curiae.*

I

In February 2010, petitioner T-Mobile South, LLC, applied to build a new, 108-foot-tall cell phone tower on 2.8 acres of vacant residential property in the city of Roswell, Georgia (City). Roswell's city ordinances require that any cell phone tower proposed for a residential zoning district must take the form of an "alternative tower structure"—an artificial tree, clock tower, steeple, or light pole—that, in the opinion of the city council (City Council or Council), is "compatible with the natural setting and surrounding structures" and that effectively camouflages the tower. Code of Ordinances §§ 21.2.2, 21.2.5(a); see App. 68, 75. In accordance with these provisions, petitioner's application proposed a structure in the shape of an artificial tree or "monopine." *Id.*, at 42.

The City's planning and zoning division reviewed petitioner's application, along with a substantial number of letters and petitions opposing it, and ultimately issued a memorandum to the City Council concluding that the application met all of the requirements set out in the City's ordinances. It recommended that the City Council approve the application on three conditions to which petitioner was prepared to agree.

The City Council then held a 2-hour-long public hearing on April 12, 2010, to consider petitioner's application. Petitioner arranged privately to have the hearing transcribed, and, as discussed below, the City subsequently issued detailed minutes summarizing the proceedings. At the hearing, after the planning and zoning division presented its recommendation and after petitioner's representatives made a presentation in support of the application, a number of residents raised concerns. Among these were concerns that the tower would lack esthetic compatibility, that the technology was outdated and unnecessary, and that the tower would be too tall. Petitioner's representatives responded by reiterating that it had met all of the ordinance's requirements and

by providing testimony from a property appraiser that placement of cell phone towers does not reduce property values.

Members of the City Council then commented on the application. One member of the six-person Council was recused, see *id.*, at 111 (hearing transcript); *id.*, at 322 (meeting minutes), leaving five voting members. Member Igleheart said that other carriers had sufficient coverage in the area and that the City did not need to level the playing field for petitioner. *Id.*, at 173–174 (hearing transcript). He also stated that his "[b]ottom line" was that he did not think it was "appropriate for residentially zoned properties to have the cell towers in their location." *Id.*, at 174 (hearing transcript); *id.*, at 338 (meeting minutes). Member Dippolito found it difficult to believe that the tower would not negatively impact the area and doubted that it would be compatible with the natural setting. *Id.*, at 175–176 (hearing transcript); *id.*, at 339 (meeting minutes). Member Wynn expressed concerns about the lack of a backup generator for emergency services, *id.*, at 172 (hearing transcript), and did not think the tower would be "compatible with this area," *id.*, at 176 (hearing transcript); *id.*, at 339 (meeting minutes). Member Orlans said only that he was impressed with the information put together by both sides. *Id.*, at 173 (hearing transcript); *id.*, at 337 (meeting minutes). Finally, Member Price, the liaison to the planning and zoning division, made a motion to deny the application. She said that the tower would be esthetically incompatible with the natural setting, that it would be too tall, and that its proximity to other homes would adversely affect the neighbors and the resale value of their properties. *Id.*, at 176–177 (hearing transcript); *id.*, at 339–340 (meeting minutes). The motion was seconded, and then passed unanimously. *Id.*, at 177 (hearing transcript); *id.*, at 340 (meeting minutes).

Two days later, on April 14, 2010, the planning and zoning division sent a letter to petitioner that said in its entirety:

> "Please be advised the City of Roswell Mayor and City Council denied the request from T-Mobile for a 108' mono-pine alternative tower structure during their April 12, 2010 hearing. The minutes from the aforementioned hearing may be obtained from the city clerk. Please contact Sue Creel or Betsy Branch at [phone number].
>
> "If you have any additional questions, please contact me at [phone number]." *Id.*, at 278.

The detailed written minutes of the hearing, however, were not approved and published by the City until 26 days later, on May 10, 2010. See *id.*, at 321–341 (meeting minutes).[1]

On May 13, 2010, 3 days after the detailed minutes were published—and now 29 days after the City denied petitioner's application—petitioner filed suit in Federal District Court. It alleged that the denial of the application was not supported by substantial evidence in the record, and would effectively prohibit the provision of wireless service in violation of the Telecommunications Act of 1996. The parties filed cross-motions for summary judgment.

The District Court granted petitioner's motion for summary judgment, concluding that the City had violated the Act when it failed to issue a written decision that stated the reasons for denying petitioner's application. The District

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[1] Brief minutes had been adopted on April 19, but these only noted that the motion to deny the application had passed with five members in favor and one member recused. See Council Brief 041210, online at http://roswell.legistar.com/LegislationDetail.aspx?ID=657578&GUID=08D5297C-0271-41F9-9DAA-E8E3DD6314BD&Options=&Search= (all Internet materials as visited January 12, 2015, and available in Clerk of Court's case file). According to the meeting calendar for the City Council's May 10, 2010, meeting, it was on that day that the City Council approved detailed minutes of the April 12 meeting that included a recitation of each member's statements during the hearing. See http://roswell.legistar.com/MeetingDetail.aspx?ID=101786&GUID=63 828B21-EB83-4485-B4EA-10EE65CF48CD&Options=info|&Search=.

Court interpreted the Act to require that a written denial letter or notice describe the reasons for the denial and that those reasons be sufficiently explained to allow a reviewing court to evaluate them against the written record.

The Eleventh Circuit reversed. 731 F. 3d 1213 (2013). It explained that, in *T-Mobile South, LLC* v. *Milton*, 728 F. 3d 1274 (2013), which was decided after the District Court's decision in this case, it had held that "to the extent that the decision must contain grounds or reasons or explanations, it is sufficient if those are contained in a different written document or documents that the applicant is given or has access to." *Id.*, at 1285. The Eleventh Circuit acknowledged that the Courts of Appeals had split on that question, and that it had departed from the majority rule. Compare *Southwestern Bell Mobile Systems, Inc.* v. *Todd*, 244 F. 3d 51, 60 (CA1 2001) (requiring that a locality issue a written denial that itself contains a "sufficient explanation of the reasons for the permit denial to allow a reviewing court to evaluate the evidence in the record supporting those reasons"); *New Par* v. *Saginaw*, 301 F. 3d 390, 395–396 (CA6 2002); and *MetroPCS, Inc.* v. *City and County of San Francisco*, 400 F. 3d 715, 723 (CA9 2005), with *AT&T Wireless PCS, Inc.* v. *City Council of Virginia Beach*, 155 F. 3d 423, 429 (CA4 1998) (holding that written minutes of a meeting and the word "denied" stamped on a letter describing the application were sufficient). Applying its rule to this case, the Eleventh Circuit found that the requirements of 47 U. S. C. § 332(c)(7)(B)(iii) were satisfied because petitioner had its own transcript as well as a written letter stating that the application had been denied and informing petitioner that it could obtain access to the minutes of the hearing. 731 F. 3d, at 1221. It did not consider when the City provided its written reasons to petitioner.

We granted certiorari, 572 U. S. 1099 (2014), and now reverse the judgment of the Eleventh Circuit.

II

A

The first question we answer is whether the statute requires localities to provide reasons when they deny applications to build cell phone towers. We answer that question in the affirmative.

Our conclusion follows from the provisions of the Telecommunications Act. The Act generally preserves "the traditional authority of state and local governments to regulate the location, construction, and modification" of wireless communications facilities like cell phone towers, but imposes "specific limitations" on that authority. *Rancho Palos Verdes* v. *Abrams*, 544 U. S. 113, 115 (2005); see § 332(c)(7)(B). One of those limitations is that any decision to deny a request to build a tower "shall be in writing and supported by substantial evidence contained in a written record." § 332(c)(7)(B)(iii). Another is that parties adversely affected by a locality's decision may seek judicial review. § 332(c)(7)(B)(v). In order to determine whether a locality's denial was supported by substantial evidence, as Congress directed, courts must be able to identify the reason or reasons why the locality denied the application. See *id.*, at 128 (BREYER, J., joined by O'Connor, Souter, and GINSBURG, JJ., concurring) (observing that the Act "requires local zoning boards . . . [to] give reasons for [their] denials 'in writing' ").

The requirement that localities must provide reasons when they deny applications is further underscored by two of the other limitations on local authority set out in the Act. The Act provides that localities "shall not unreasonably discriminate among providers of functionally equivalent services" and may not regulate the construction of personal wireless service facilities "on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [Federal Communications Commission's] reg-

ulations concerning such emissions." §§ 332(c)(7)(B)(i)(I), (iv).[2] Again, it would be considerably more difficult for a reviewing court to determine whether a locality had violated these substantive provisions if the locality were not obligated to state its reasons.

This conclusion is not just commonsensical, but flows directly from Congress' use of the term "substantial evidence." The statutory phrase "substantial evidence" is a "term of art" in administrative law that describes how "an administrative record is to be judged by a reviewing court." *United States* v. *Carlo Bianchi & Co.*, 373 U. S. 709, 715 (1963). There is no reason discernible from the text of the Act to think that Congress meant to use the phrase in a different way. See *FAA* v. *Cooper*, 566 U. S. 284, 292 (2012) ("[W]hen Congress employs a term of art, it presumably knows and adopts the cluster of ideas that were attached to each borrowed word in the body of learning from which it was taken" (internal quotation marks omitted)). Indeed, for those who consider legislative history relevant, the Conference Report accompanying the Act confirmed as much when it noted that "[t]he phrase 'substantial evidence contained in a written record' is the traditional standard used for review of agency actions." H. R. Conf. Rep. No. 104–458, p. 208 (1996).

By employing the term "substantial evidence," Congress thus invoked, among other things, our recognition that "the orderly functioning of the process of [substantial-evidence] review requires that the grounds upon which the administrative agency acted be clearly disclosed," and that "courts cannot exercise their duty of [substantial-evidence] review unless they are advised of the considerations underlying the action under review." *SEC* v. *Chenery Corp.*, 318 U. S. 80,

[2] The last "limitation" listed in the Act provides that localities shall act on applications to construct personal wireless service facilities "within a reasonable period of time after the request is duly filed . . . taking into account the nature and scope of such request." § 332(c)(7)(B)(ii).

94 (1943); see also *Motor Vehicle Mfrs. Assn. of United States, Inc.* v. *State Farm Mut. Automobile Ins. Co.*, 463 U. S. 29, 43 (1983) (explaining that an agency must "articulate a satisfactory explanation for its action" to enable substantial-evidence review); *Beaumont, S. L. & W. R. Co.* v. *United States*, 282 U. S. 74, 86 (1930) ("Complete statements by the [agency] showing the grounds upon which its determinations rest are quite as necessary as are opinions of lower courts setting forth the reasons on which they base their decisions . . . ").

In response, the City primarily argues that a reason-giving obligation would deprive it of local zoning authority. But Congress intended to place "specific limitations on the traditional authority of state and local governments" regarding cell phone tower siting applications. *Rancho Palos Verdes*, 544 U. S., at 115. One of those "limitations," § 332(c)(7)(B), necessarily implied by the Act's "substantial evidence" requirement, is that local zoning authorities state their reasons when they deny applications.

In short, the statutory text and structure, and the concepts that Congress imported into the statutory framework, all point clearly toward the conclusion that localities must provide reasons when they deny cell phone tower siting applications. We stress, however, that these reasons need not be elaborate or even sophisticated, but rather, as discussed below, simply clear enough to enable judicial review.

B

The second question we answer is whether these reasons must appear in the same writing that conveys the locality's denial of an application. We answer that question in the negative.

Like our conclusion that localities must provide reasons, our conclusion that the reasons need not appear in a denial letter follows from the statutory text. Other than providing that a locality's reasons must be given in writing, nothing in

that text imposes any requirement that the reasons be given in any particular form.

The Act's saving clause makes clear that, other than the enumerated limitations imposed on local governments by the statute itself, "nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities." § 332(c)(7)(A). Given this language, and the system of "cooperative federalism" on which the Act is premised, *id.*, at 128 (BREYER, J., concurring), we understand the enumerated limitations to set out an exclusive list. So while the text and structure of the Act render it inescapable that localities must provide reasons in writing when they deny applications, we can locate in the Act no command—either explicit or implicit—that localities must provide those reasons in a specific document.

We therefore conclude that Congress imposed no specific requirement on that front, but instead permitted localities to comply with their obligation to give written reasons so long as the locality's reasons are stated clearly enough to enable judicial review. Although the statute does not require a locality to provide its written reasons in any particular format, and although a locality may rely on detailed meeting minutes as it did here, we agree with the Solicitor General that "the local government may be better served by including a separate statement containing its reasons." Brief for United States as *Amicus Curiae* 26; see also *id.*, at 34. If the locality writes a short statement providing its reasons, the locality can likely avoid prolonging the litigation—and adding expense to the taxpayers, the companies, and the legal system—while the parties argue about exactly what the sometimes voluminous record means. Moreover, in that circumstance, the locality need not worry that, upon review of the record, a court will either find that it could not ascertain the locality's reasons or mistakenly ascribe to the locality a

rationale that was not in fact the reason for the locality's denial.

We hasten to add that a locality cannot stymie or burden the judicial review contemplated by the statute by delaying the release of its reasons for a substantial time after it conveys its written denial. The statute provides that an entity adversely affected by a locality's decision may seek judicial review within 30 days of the decision. § 332(c)(7)(B)(v). Because an entity may not be able to make a considered decision whether to seek judicial review without knowing the reasons for the denial of its application, and because a court cannot review the denial without knowing the locality's reasons, the locality must provide or make available its written reasons at essentially the same time as it communicates its denial.[3]

This rule ought not to unduly burden localities given the range of ways in which localities can provide their reasons. Moreover, the denial itself needs only to be issued (or the application otherwise acted upon) "within a reasonable period of time." § 332(c)(7)(B)(ii). In an interpretation we have recently upheld, see *Arlington* v. *FCC*, 569 U. S. 290 (2013), the Federal Communications Commission (FCC) has

[3] THE CHIEF JUSTICE's dissent rejects this particular requirement, and instead invents a process that turns judicial review on its head. Rather than give effect to a process that would permit an entity seeking to challenge a locality's decision to see the locality's written reasons before it files its suit—and the dissent agrees that the statute requires that a locality convey its reasons in writing, see *post*, at 313–314—the dissent would fashion a world in which a locality can wait until a lawsuit is commenced and a court orders it to state its reasons. The entity would thus be left to guess at what the locality's written reasons will be, write a complaint that contains those hypotheses, and risk being sandbagged by the written reasons that the locality subsequently provides in litigation after the challenging entity has shown its cards. The reviewing court would then need to ensure that those reasons are not *post hoc* rationalizations, see *Burlington Truck Lines, Inc.* v. *United States*, 371 U. S. 156, 168 (1962), but the dissent offers no guidance as to how a reviewing court that has never seen near-contemporaneous reasons would conduct that inquiry.

generally interpreted this provision to allow localities 90 days to act on applications to place new antennas on existing towers and 150 days to act on other siting applications. *In re Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(b)*, 24 FCC Rcd. 13994, 13995, ¶4 (2009). If a locality is not in a position to provide its reasons promptly, the locality can delay the issuance of its denial within this 90- or 150-day window, and instead release it along with its reasons once those reasons are ready to be provided. Only once the denial is issued would the 30-day commencement-of-suit clock begin.[4]

III

Petitioner offers four reasons why, in its view, our analysis in Part II–B is incorrect. Petitioner argues that the statute requires that a locality's reasons appear in the writing conveying the denial itself, but none of petitioner's reasons are persuasive.

First, petitioner argues that the word "decision" in the statute—the thing that must be "in writing"—connotes a written document that itself provides all the reasons for a given judgment. See Brief for Petitioner 24 (a "decision" is a written document providing "'the reasons given for [a] judgment'" (quoting Black's Law Dictionary 407 (6th ed. 1990))). But even petitioner concedes, with its preferred dictionary in hand, that the word "decision" can also mean

[4] The City urges us to hold that the clock does not begin to run until after the reasons are given. We cannot so hold, however, without rewriting the statutory text. The Act provides that a lawsuit may be filed by "[a]ny person adversely affected by any final action or failure to act . . . within 30 days after such action or failure to act." 47 U. S. C. § 332(c)(7)(B)(v). The relevant "final action" is the issuance of the written notice of denial, not the subsequent issuance of reasons explaining the denial. See *Bennett* v. *Spear*, 520 U. S. 154, 177–178 (1997) (agency action is "final" if it "mark[s] the consummation of the agency's decisionmaking process" and determines "rights or obligations" or triggers "legal consequences" (internal quotation marks omitted)).

"something short of a statement of reasons explaining a determination." Brief for Petitioner 24 (citing Black's Law Dictionary, at 407).[5]

Second, petitioner claims that other provisions in the Act use the word "notify" when the Act means to impose only a requirement that a judgment be communicated.[6] Because the provision at issue here does not use the word "notify," petitioner argues, it must contemplate something more than a judgment. This does not logically follow. For one thing, the statute at issue here does not use any verb at all to describe the conveying of information from a locality to an applicant; it just says that a denial "shall be in writing and supported by substantial evidence contained in a written record." § 332(c)(7)(B)(iii). But more to the point, "notify" is a verb the use—or nonuse—of which does not reveal what the thing to be notified of or about is.

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[5] One of petitioner's *amici* argues that Congress has used the word "decision" in the context of other communications laws to mean something more than a judgment or verdict. See Brief for Chamber of Commerce of the United States of America (Chamber) et al. 9–13. But while it is true that a word used across "the same act" should be given the same meaning, see *Taniguchi* v. *Kan Pacific Saipan, Ltd.*, 566 U. S. 560, 571 (2012), the Chamber's evidence is less persuasive because it arises out of entirely different "acts" and does not involve any term of art. By relying on other parts of Title 47 of the U. S. Code—some enacted in the Communications Act of 1934 decades before the enactment of the Telecommunications Act of 1996 at issue here—the Chamber stretches to invoke this canon of construction beyond its most forceful application. See A. Scalia & B. Garner, Reading Law: The Interpretation of Legal Texts 172–173 (2012).

[6] For example, petitioner cites § 11 (FCC must "notify the parties concerned" when it makes a "determination and order" regarding a railroad or telegraph company's failure to maintain and operate a telegraph line for public use) and § 398(b)(5) ("Whenever the Secretary [of Commerce] makes a final determination . . . that a recipient" of federal funds has engaged in impermissible discrimination, the Secretary shall "notify the recipient in writing of such determination . . . "). Brief for Petitioner 24–25.

Third, petitioner contends that the "substantial evidence" requirement itself demands that localities identify their reasons in their written denials. See Brief for Petitioner 23. Certainly, as discussed above, the phrase "substantial evidence" requires localities to give reasons, but it says nothing on its own about the document in which those reasons must be stated or presented to a reviewing court.

Finally, petitioner invokes the statutory requirement that any adversely affected person shall have their challenge heard by a court "on an expedited basis." §332(c)(7)(B)(v). See Brief for Petitioner 14–15, 28. As long as the reasons are provided in a written record, however, and as long as they are provided in such a manner that is clear enough and prompt enough to enable judicial review, there is no reason to require that those reasons be provided in the written denial itself.

We acknowledge that petitioner, along with those Courts of Appeals that have required a locality's reasons to appear in its written denial itself, have offered plausible bases for a rule that would require as much. See, *e. g.*, *Todd*, 244 F. 3d, at 60 ("A written record can create difficulties in determining the rationale behind a board's decision . . . "). Congress could adopt such a rule if it were so inclined, but it did not do so in this statute. It is not our place to legislate another approach.

IV

Thus, we hold that the Act requires localities to provide reasons when they deny cell phone tower siting applications, but that the Act does not require localities to provide those reasons in written denial letters or notices themselves. A locality may satisfy its statutory obligations if it states its reasons with sufficient clarity in some other written record issued essentially contemporaneously with the denial. In this case, the City provided its reasons in writing and did so in the acceptable form of detailed minutes of the City Council meeting. The City, however, did not provide its written

reasons essentially contemporaneously with its written denial. Instead, the City issued those detailed minutes 26 days after the date of the written denial and just 4 days before petitioner's time to seek judicial review would have expired.[7] The City therefore did not comply with its statutory obligations. We do not consider questions regarding the applicability of principles of harmless error or questions of remedy, and leave those for the Eleventh Circuit to address on remand.

* * *

For the foregoing reasons, we reverse the judgment below and remand the case for further proceedings consistent with this opinion.

It is so ordered.

JUSTICE ALITO, concurring.

I concur in the Court's opinion because I agree that Congress, by using the term "substantial evidence," intended to invoke administrative law principles. One such principle, as the Court explains, is the requirement that agencies give reasons. I write separately, however, because three other traditional administrative law principles may also apply.

First, a court must "uphold a decision of less than ideal clarity if the agency's path may reasonably be discerned." *Bowman Transp., Inc.* v. *Arkansas-Best Freight System, Inc.*, 419 U. S. 281, 286 (1974). In the context of 47 U. S. C. § 332(c)(7), which leaves in place almost the entirety of a local government's authority, a succinct statement that a permit has been denied because the tower would be esthetically incompatible with the surrounding area should suffice.

[7] Though petitioner arranged for a transcript of the meeting to be recorded on its own initiative and at its own expense, see App. 109–274, the fact that petitioner took steps to reduce oral statements made at the City Council meeting to writing cannot be said to satisfy the obligation that Congress placed on the City to state clearly its reasons, and to do so in a writing it provides or makes available.

Nothing in this statute imposes an opinion-writing requirement.

Second, even if a locality has erred, a court must not invalidate the locality's decision if the error was harmless. "In administrative law, as in federal civil and criminal litigation, there is a harmless error rule." *National Assn. of Home Builders* v. *Defenders of Wildlife*, 551 U. S. 644, 659–660 (2007) (internal quotation marks omitted). Here, for instance, I have trouble believing that T-Mobile South, LLC—which actively participated in the decisionmaking process, including going so far as to transcribe the public hearing—was prejudiced by the city of Roswell's delay in providing a copy of the minutes.

Third, the ordinary rule in administrative law is that a court must remand errors to the agency "except in rare circumstances." *Florida Power & Light Co.* v. *Lorion*, 470 U. S. 729, 744 (1985). Nothing we say today should be read to suggest that when a locality has erred, the inevitable remedy is that a tower must be built. The Court has not passed on what remedial powers a "court of competent jurisdiction" may exercise. § 332(c)(7)(B)(v). This unanswered question is important given the federalism implications of this statute.

I do not understand the Court's opinion to disagree with this analysis. On that understanding, I join the Court's opinion.

CHIEF JUSTICE ROBERTS, with whom JUSTICE GINSBURG joins, and with whom JUSTICE THOMAS joins as to Part I, dissenting.

The statute at issue in this case provides that "[a]ny decision . . . to deny a request . . . shall be in writing and supported by substantial evidence contained in a written record." 47 U. S. C. § 332(c)(7)(B)(iii). The Court concludes that the City loses this case not because it failed to provide its denial in writing. It did provide its denial in writing. Nor does the City lose because the denial was not supported

by substantial evidence in a written record. The City compiled a written record; whether that record contained substantial evidence supporting the denial is not at issue here and has not been decided. Nor does the City lose because its denial was not accompanied by a statement of reasons apart from the written record. A sharp conflict had developed in the lower courts over the necessity of such a separate statement, and the Court today squarely holds that one is not required. *Ante*, at 299, 302–305. No, the City instead loses because of a question of timing: The written record was not made available roughly the same day as the denial—a requirement found nowhere in the text of the statute.

The Court says this timing requirement is necessary for judicial review of whether the denial is supported by substantial evidence. A reviewing court, however, can carry out its function just as easily whether the record is submitted four weeks or four days before the lawsuit is filed—or four days *after*, for that matter. The Court also supports its timing rule by saying that the company whose application is denied needs the time to carefully consider whether to seek review. But cell service providers are not Mom and Pop operations. As this case illustrates, they participate extensively in the local government proceedings, and do not have to make last-second, uninformed decisions on whether to seek review.

The City here fully complied with its obligations under the statute: It issued its decision in writing, and it submitted a written record containing—so far as we know—substantial evidence supporting that decision. I respectfully dissent from the Court's contrary conclusion.

I

Section 332(c)(7), enacted as part of the Telecommunications Act of 1996, places several limits on local governments' authority to regulate the siting of cell towers and other telecommunications facilities. A locality's regulations must not

unreasonably discriminate among service providers, effectively prohibit the provision of service, or rest on concerns about the environmental effects of radio emissions. See §§ 332(c)(7)(B)(i), (iv). In addition, the provision central to this case specifies that "[a]ny decision by a State or local government . . . to deny a request to place, construct, or modify" a cell tower "shall be in writing and supported by substantial evidence contained in a written record." § 332(c)(7)(B)(iii). And another provision authorizes expedited judicial review of a locality's alleged failure to comply with these rules. See § 332(c)(7)(B)(v).

After the city council of Roswell voted to deny T-Mobile's application to build a cell tower, the City sent T-Mobile a short letter that announced the denial but provided no further explanation. The question T-Mobile has presented to this Court is whether such a letter satisfies the "decision . . . in writing" requirement of Section 332(c)(7)(B)(iii). See Pet. for Cert. i.

I would hold it does. The City's letter was certainly in writing. And it certainly memorialized the denial of T-Mobile's application. So T-Mobile's only hope is that the lack of explanation for the denial means the letter is not truly a "decision." But like the majority, I reject T-Mobile's contention that the term "decision" inherently demands a statement of reasons. Dictionary definitions support that conclusion. See *ante*, at 305 (citing Black's Law Dictionary); see also B. Garner, A Dictionary of Modern Legal Usage 251 (2d ed. 1995) (grouping "decision" with "judgment," as distinct from "opinion").

A comparison between Section 332(c)(7)(B)(iii) and other statutory provisions that were on the books in 1996 also suggests that when Congress wants decisionmakers to supply explanations, it says so. Consider first the Administrative Procedure Act. In the context of formal adjudication and rulemaking, it demands that "decisions . . . include a statement of . . . findings and conclusions, *and the reasons or basis*

therefor, on all the material issues." 5 U. S. C. § 557(c)(A) (1994 ed.) (emphasis added). Even in informal proceedings, an agency must give prompt notice of the denial of a written application, and, "[e]xcept in affirming a prior denial or when the denial is self-explanatory, the notice shall be accompanied by *a brief statement of the grounds for denial*." § 555(e) (emphasis added).

The Communications Act of 1934, which the Telecommunications Act overhauled, itself contains a similar express requirement. Section 309 allows an interested party to petition the Federal Communications Commission to deny a license application. 47 U. S. C. § 309(d)(1) (1994 ed.). If the FCC decides to grant an application despite such a petition, it must "issue a concise statement of the reasons for denying the petition." § 309(d)(2). And a provision added along with Section 332(c)(7) in the Telecommunications Act provides that when the FCC grants or denies a petition for regulatory forbearance, it "shall *explain* its decision in writing." § 160(c) (2000 ed.) (emphasis added). Many other statutes in effect in 1996 could be added to the list. See, *e. g.*, 19 U. S. C. § 1515(a) (1994 ed.) (notice of customs protest denial "shall include a statement of the reasons for the denial"); 30 U. S. C. § 944 (1994 ed.) (individual whose claim for black lung benefits "is denied shall receive . . . a written statement of the reasons for denial"); 38 U. S. C. § 5104(b) (1994 ed.) (notice of denial of veterans benefits must include "a statement of the reasons for the decision").

Given the commonplace nature of express requirements that reasons be given—and the inclusion of such provisions in the Administrative Procedure Act, the original Communications Act, and another provision of the Telecommunications Act—the absence of one in Section 332(c)(7)(B)(iii) is telling, and supports reading "decision . . . in writing" to demand nothing more than what it says: a written document that communicates the town's denial.

In my view, resolving that interpretive question in the City's favor also resolves the case as it stands in this Court. Although Section 332(c)(7)(B)(iii) goes on to require that a denial be "supported by substantial evidence contained in a written record," the adequacy of the City's written record is not properly before us. As the Eleventh Circuit noted in its opinion below, the "sole issue" before it was the "in writing" requirement; it did not examine whether the City's denial was supported by substantial evidence. 731 F. 3d 1213, 1221, n. 7 (2013). The Court today also—correctly—does not decide whether substantial evidence supported the City's denial. The Eleventh Circuit's judgment therefore ought to be affirmed and the case remanded to the District Court for further proceedings on T-Mobile's remaining challenges.

II

The Court agrees that the City was not required to explain its reasoning in its denial letter, but it nonetheless rules for T-Mobile. The improbable linchpin of this outcome is the City's failure to finalize the minutes of the April 12 city council meeting until May 10. Improbable because, so far as I can tell, T-Mobile never even mentioned this timeline, let alone based an argument on it, in its filings in the lower courts or its petition for certiorari. Nor did the Eleventh Circuit address this timing question in any way. Cf. *Zivotofsky* v. *Clinton*, 566 U. S. 189, 201 (2012) ("Ordinarily, we do not decide in the first instance issues not decided below." (internal quotation marks omitted)).

The Court nonetheless rules against Roswell on this ground, proceeding in two steps: First it concludes that a town must provide written reasons in *some* form (the minutes being the only candidate here); then it decides a town must make those reasons available "essentially contemporaneously" with its decision (the final minutes were not). *Ante*, at 307. In my view, the first step is justified by the statutory text, but the second is not.

The need to provide reasons in some form follows from the portion of Section 332(c)(7)(B)(iii) requiring that denials be "supported by substantial evidence contained in a written record." Like the majority, I read this phrase as specifying a familiar standard of review to be used if a denial is challenged in court. And like the majority, I agree that substantial evidence review requires that a decisionmaker's reasons be identifiable in the written record. If a reviewing court cannot identify any of a town's reasons for denying an application, it cannot determine whether substantial evidence supports those reasons, and the town loses.

But then the Court goes a step further and creates a timing rule: A town must provide "its written reasons at essentially the same time as it communicates its denial." *Ante,* at 304. This timing rule is nowhere to be found in the text of Section 332(c)(7)(B)—text that *expressly* establishes other time limits, both general and specific. See § 332(c)(7)(B)(ii) (requiring localities to act on siting requests "within a reasonable period of time"); § 332(c)(7)(B)(v) (giving injured parties 30 days to seek judicial review). Despite its assertion that the statute's "enumerated limitations" constitute "an exclusive list," *ante,* at 303, the Court offers two justifications for its inference of this additional, unenumerated limitation.

The first is that "a court cannot review the denial without knowing the locality's reasons," so it would "stymie" judicial review to allow delay between the issuance of the decision and the statement of reasons. *Ante,* at 304. This makes little sense. The Court's "essentially contemporaneous" requirement presumably means the town must produce its reasons within a matter of days (though the majority never says how many). But a reviewing court does not need to be able to discern the town's reasons within mere days of the decision. At that point no one has even asked the court to review the denial. The fact that a court cannot conduct review without knowing the reasons simply means that if the town has not already made the record available, it must do

so by whatever deadline the court sets. The court should proceed "on an expedited basis," § 332(c)(7)(B)(v), but that hardly means it will need the record within days of the town's decision. And in this case there is no indication that the City's submission of the written record was untimely or delayed the District Court's review.

The Court's second justification focuses on the denied applicant, which must choose within 30 days from the denial whether to take the town to court. § 332(c)(7)(B)(v). "[W]ithout knowing the locality's reasons," the majority says, the applicant "may not be able to make a considered decision whether to seek judicial review." *Ante*, at 304. This concern might have force if towns routinely made these decisions in secret, closed-door proceedings, or if applicants were unsophisticated actors. But the local zoning board or town council is not the Star Chamber, and a telecommunications company is no babe in the legal woods. Almost invariably in cases addressing Section 332(c)(7), the relevant local authority has held an open meeting at which the applicant was present and the issues publicly aired. In this case and others, T-Mobile has brought its own court reporter, ensuring that it has a verbatim transcript of the meeting well before the town is likely to finalize its minutes. See Brief for Petitioner 12, n. 2; *T-Mobile South, LLC* v. *Milton*, 728 F. 3d 1274, 1277 (CA11 2013). I strongly doubt that a sophisticated, well-lawyered company like T-Mobile—with extensive experience with these particular types of proceedings—would have any trouble consulting its interests and deciding whether to seek review before it had received a written explanation from the town. The Court worries about towns "sandbagg[ing]" companies with unexpected reasons, *ante*, at 304, n. 3, but if those reasons in fact come out of nowhere, they will not be supported by substantial evidence in the record. And if the company's initial complaint mistakes the town's reasoning, the company will have no difficulty amending its allegations. See Fed. Rule Civ. Proc. 15(a).

In sum, there is nothing impractical about reading the statutory text to require only that the reasons implied by the term "substantial evidence" be discernible to the court when it conducts substantial evidence review. Demanding "essentially contemporaneous" written reasons adds a requirement that Congress has included expressly in many other statutes, but not in this one. See *supra*, at 311–312.

* * *

For the foregoing reasons, the Court's opinion and judgment are wrong. But this is not a "the sky is falling" dissent. At the end of the day, the impact on cities and towns across the Nation should be small, although the new unwritten requirement could be a trap for the unwary hamlet or two. All a local government need do is withhold its final decision until the minutes are typed up, and make the final decision and the record of proceedings (with discernible reasons) available together.

Today's decision is nonetheless a bad break for Roswell. Or maybe not. The Court leaves open the question of remedy, *ante*, at 308, and it may be that failure to comply with the "in writing" requirement as construed by the Court can be excused as harmless error in appropriate cases. It is hard to see where the harm is here. T-Mobile somehow managed to make the tough call to seek review of the denial of an application it had spent months and many thousands of dollars to obtain, based on a hearing it had attended. And nothing about Roswell's failure to meet the "contemporaneously" requirement delayed, much less "stymied," judicial review.

The Court today resolves the conflict over whether a town must provide a statement of reasons with its final decision, apart from the written record. We now know it need not. As the Court explains, "nothing in [the] text [of the Act] imposes any requirement that the reasons be given in any particular form," and there is "in the Act no command—either

explicit or implicit—that localities must provide those reasons in a specific document." *Ante*, at 303. Good analysis—which also should have been followed to reject the timing requirement the Court creates today.

I respectfully dissent.

JUSTICE THOMAS, dissenting.

I join Part I of THE CHIEF JUSTICE's dissent, which says all the Court needed to say to resolve this case. I write separately to express my concern about the Court's eagerness to reach beyond the bounds of the present dispute to create a timing requirement that finds no support in the text or structure of the statute. We have been unwilling to impose procedural requirements on federal agencies in the absence of statutory command, even while recognizing that an agency's failure to make its decisions known at the time it acts may burden regulated parties. See, *e. g.*, *Pension Benefit Guaranty Corporation* v. *LTV Corp.*, 496 U. S. 633, 653–655 (1990). When a State vests its municipalities with authority to exercise a core state power, those municipalities deserve at least as much respect as a federal agency. But today, the majority treats them as less than conscripts in "the national bureaucratic army," *FERC* v. *Mississippi*, 456 U. S. 742, 775 (1982) (O'Connor, J., concurring in part and dissenting in part). I respectfully dissent.

Syllabus

TEVA PHARMACEUTICALS USA, INC., ET AL. *v.* SANDOZ, INC., ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 13–854. Argued October 15, 2014—Decided January 20, 2015

Petitioners, Teva Pharmaceuticals (and related firms), own a patent that covers a manufacturing method for the multiple sclerosis drug Copaxone. When respondents, Sandoz, Inc. (and other firms), tried to market a generic version of the drug, Teva sued them for patent infringement. Sandoz countered that the patent was invalid. Specifically, Sandoz argued that the claim that Copaxone's active ingredient had "a molecular weight of 5 to 9 kilodaltons" was fatally indefinite, see 35 U. S. C. § 112, ¶2, because it did not state which of three methods of calculation—the weight of the most prevalent molecule, the weight as calculated by the average weight of all molecules, or the weight as calculated by an average in which heavier molecules count for more—was used to determine that weight. After considering conflicting expert evidence, the District Court concluded that the patent claim was sufficiently definite and the patent was thus valid. As relevant here, it found that in context a skilled artisan would understand that the term "molecular weight" referred to molecular weight as calculated by the first method. In finding the "molecular weight" term indefinite and the patent invalid on appeal, the Federal Circuit reviewed *de novo* all aspects of the District Court's claim construction, including the District Court's determination of subsidiary facts.

Held: When reviewing a district court's resolution of subsidiary factual matters made in the course of its construction of a patent claim, the Federal Circuit must apply a "clear error," not a *de novo,* standard of review. Pp. 324–336.

(a) Federal Rule of Civil Procedure 52(a)(6) states that a court of appeals "must not . . . set aside" a district court's "[f]indings of fact" unless they are "clearly erroneous." It sets out a "clear command," *Anderson* v. *Bessemer City*, 470 U. S. 564, 574, and "does not make exceptions or . . . exclude certain categories of factual findings" from the court of appeals' obligation, *Pullman-Standard* v. *Swint*, 456 U. S. 273, 287. The Rule thus applies to both subsidiary and ultimate facts. *Ibid.* And the function of an appeals court reviewing the findings of a "'district court sitting without a jury . . . is not to decide factual issues *de novo.*'" *Anderson*, *supra*, at 573. Even if exceptions to the Rule were permissible, there is no convincing ground for creating an excep-

tion here. *Markman* v. *Westview Instruments, Inc.*, 517 U. S. 370, neither created, nor argued for, such an exception. There, the Court held that the ultimate question of claim construction is for the judge, not the jury, *id.*, at 372, but it did not thereby create an exception from the ordinary rule governing appellate review of factual matters. Instead, the Court pointed out that a judge, in construing a patent claim, is engaged in much the same task as the judge would be in construing other written instruments, such as deeds, contracts, or tariffs. *Id.*, at 384, 386, 388, 389. Construction of written instruments often presents a "question solely of law," at least when the words in those instruments are "used in their ordinary meaning." *Great Northern R. Co.* v. *Merchants Elevator Co.*, 259 U. S. 285, 291. But if a written instrument uses "technical words or phrases not commonly understood," *id.*, at 292, those words may give rise to a factual dispute. If so, extrinsic evidence may help to "establish a usage of trade or locality." *Ibid.* And in that circumstance, the "determination of the matter of fact" will "preced[e]" the "function of construction." *Ibid.*

The *Markman* Court also recognized that courts will sometimes have to resolve subsidiary factual disputes in patent construction; Rule 52 requires appellate courts to review such disputes under the "clearly erroneous" standard. Application of this standard is further supported by precedent and by practical considerations. Clear error review is "particularly" important in patent cases because a district court judge who has presided over, and listened to, the entire proceeding has a comparatively greater opportunity to gain the necessary "familiarity with specific scientific problems and principles," *Graver Tank & Mfg. Co.* v. *Linde Air Products Co.*, 339 U. S. 605, 610, than an appeals court judge who must read a written transcript or perhaps just those portions referenced by the parties. Pp. 324–328.

(b) Arguments to the contrary are unavailing. Sandoz claims that separating "factual" from "legal" questions may be difficult and, like the Federal Circuit, posits that it is simpler for the appellate court to review the entirety of the district court's claim construction *de novo* than to apply two separate standards. But courts of appeals have long been able to separate factual from legal matters, see, *e. g., First Options of Chicago, Inc.* v. *Kaplan*, 514 U. S. 938, 947–948, and the Federal Circuit's efforts to treat factual findings and legal conclusions similarly have brought with them their own complexities. As for Sandoz's argument that "clear error" review will bring about less uniformity, neither the Circuit nor Sandoz has shown that divergent claim construction stemming from divergent findings of fact on subsidiary matters should occur more than occasionally. Pp. 328–331.

(c) This leaves the question of how the clear error standard should be applied when reviewing subsidiary factfinding in patent claim construc-

Syllabus

tion. When the district court reviews only evidence intrinsic to the patent, the judge's determination is solely a determination of law, and the court of appeals will review that construction *de novo*. However, where the district court needs to consult extrinsic evidence in order to understand, for example, the background science or the meaning of a term in the relevant art during the relevant time period, and where those subsidiary facts are in dispute, courts will need to make subsidiary factual findings about the extrinsic evidence. The district judge, after deciding the factual dispute, will then interpret the patent claim in light of the facts as he has found them. The ultimate construction of the claim is a legal conclusion that the appellate court can review *de novo*. But to overturn the judge's resolution of an underlying factual dispute, the appellate court must find that the judge, in respect to those factual findings, has made a clear error. Pp. 331–333.

(d) Here, for example, the District Court made a factual finding, crediting Teva's expert's account, and thereby rejecting Sandoz's expert's contrary explanation, about how a skilled artisan would understand the way in which a curve created from chromatogram data reflects molecular weights. Based on that factual finding, the District Court reached the legal conclusion that figure 1 did not undermine Teva's argument that molecular weight referred to the first method of calculating molecular weight. When the Federal Circuit reviewed the District Court's decision, it did not accept Teva's expert's explanation, and it failed to accept that explanation without finding that the District Court's contrary determination was "clearly erroneous." The Federal Circuit erred in failing to review this factual finding only for clear error. Teva asserts that there are two additional instances in which the Federal Circuit rejected the District Court's factual findings without concluding that they were clearly erroneous; those matters are left for the Federal Circuit to consider on remand. Pp. 333–336.

723 F. 3d 1363, vacated and remanded.

BREYER, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, GINSBURG, SOTOMAYOR, and KAGAN, JJ., joined. THOMAS, J., filed a dissenting opinion, in which ALITO, J., joined, *post*, p. 337.

William M. Jay argued the cause for petitioners. With him on the briefs were *David M. Hashmall*, *Daryl L. Wiesen*, *Henry C. Dinger*, *John C. Englander*, *Nicholas K. Mitrokostas*, *Jay P. Lefkowitz*, *John C. O'Quinn*, *Elizabeth J. Holland*, *William G. James II*, and *Alan M. Dershowitz*.

Ginger D. Anders argued the cause for the United States as *amicus curiae* urging vacatur. With her on the brief were *Solicitor General Verrilli*, *Assistant Attorney General Delery*, *Deputy Solicitor General Stewart*, *Mark R. Freeman*, and *Robert J. McManus*.

Carter G. Phillips argued the cause for respondents. With him on the brief were *Ryan C. Morris*, *Eric D. Miller*, *David L. Anstaett*, *Brandon White*, *Evan R. Chesler*, *Richard J. Stark*, *Deanne E. Maynard*, *Brian R. Matsui*, *Marc A. Hearron*, *David C. Doyle*, *Anders T. Aannestad*, *Brian M. Kramer*, and *Elizabeth Cary Miller*.*

JUSTICE BREYER delivered the opinion of the Court.

In *Markman* v. *Westview Instruments, Inc.*, 517 U. S. 370 (1996), we explained that a patent claim is that "portion of the patent document that defines the scope of the patentee's rights." *Id.*, at 372. We held that "the construction of a patent, including terms of art within its claim," is not for a jury but "exclusively" for "the court" to determine. *Ibid.* That is so even where the construction of a term of art has "evidentiary underpinnings." *Id.*, at 390.

Today's case involves claim construction with "evidentiary underpinnings." See Part III, *infra*. And, it requires us to determine what standard the Court of Appeals should use

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*Briefs of *amici curiae* urging affirmance were filed for Google Inc. et al. by *Daryl L. Joseffer* and *Adam M. Conrad*; and for Intel Corp. et al. by *Thomas G. Hungar*, *Matthew D. McGill*, *Robert H. Tiller*, and *Thomas A. Brown*.

Briefs of *amici curiae* were filed for the American Bar Association by *James R. Silkenat* and *Edward V. Filardi*; for the American Intellectual Property Law Association by *Q. Todd Dickinson*; for the Fédération Interationale des Conseils en Propriété Intellectuelle by *Maxim H. Waldbaum* and *Robert D. Katz*; for Fresenius Kabi USA, LLC, by *Lawrence M. Sung*; for the Houston Intellectual Property Law Association by *L. Lee Eubanks IV* and *Peter J. Corcoran III*; for the Intellectual Property Owners Association by *Paul H. Berghoff*, *Philip S. Johnson*, and *Kevin H. Rhodes*; and for Peter S. Menell et al. by *Mr. Menell, pro se.*

when it reviews a trial judge's resolution of an underlying factual dispute. Should the Court of Appeals review the district court's factfinding *de novo* as it would review a question of law? Or, should it review that factfinding as it would review a trial judge's factfinding in other cases, namely, by taking them as correct "unless clearly erroneous"? See Fed. Rule Civ. Proc. 52(a)(6). We hold that the appellate court must apply a "clear error," not a *de novo*, standard of review.

I

The basic dispute in this case concerns the meaning of the words "molecular weight" as those words appear in a patent claim. The petitioners, Teva Pharmaceuticals (along with related firms), own the relevant patent. The patent covers a manufacturing method for Copaxone, a drug used to treat multiple sclerosis. The drug's active ingredient, called "copolymer-1," is made up of molecules of varying sizes. App. 1143a. And the relevant claim describes that ingredient as having "a molecular weight of 5 to 9 kilodaltons." *Id.*, at 1145a.

The respondents, Sandoz, Inc. (and several other firms), tried to market a generic version of Copaxone. Teva sued Sandoz for patent infringement. 810 F. Supp. 2d 578, 581 (SDNY 2011). Sandoz defended the suit by arguing that the patent was invalid. *Ibid.* The Patent Act requires that a claim "particularly poin[t] out and distinctly clai[m] the subject matter which the applicant regards as his invention." 35 U. S. C. § 112, ¶2 (2006 ed.); see *Nautilus, Inc.* v. *Biosig Instruments, Inc.*, 572 U. S. 898, 902–903, n. 1 (2014). The phrase "molecular weight of 5 to 9 kilodaltons," said Sandoz, did not satisfy this requirement.

The reason that the phrase is fatally indefinite, Sandoz argued, is that, in the context of this patent claim, the term "molecular weight" might mean any one of three different things. The phrase might refer (1) to molecular weight as calculated by the weight of the molecule that is most preva-

lent in the mix that makes up copolymer-1. (The scientific term for molecular weight so calculated is, we are told, "peak average molecular weight.") The phrase might refer (2) to molecular weight as calculated by taking all the different-sized molecules in the mix that makes up copolymer-1 and calculating the average weight, *i. e.*, adding up the weight of each molecule and dividing by the number of molecules. (The scientific term for molecular weight so calculated is, we are told, "number average molecular weight.") Or, the phrase might refer (3) to molecular weight as calculated by taking all the different-sized molecules in the mix that makes up copolymer-1 and calculating their average weight while giving heavier molecules a weight-related bonus when doing so. (The scientific term for molecular weight so calculated, we are told, is "weight average molecular weight.") See 723 F. 3d 1363, 1367 (CA Fed. 2013); App. 124a. In Sandoz's view, since Teva's patent claim does not say which method of calculation should be used, the claim's phrase "molecular weight" is indefinite, and the claim fails to satisfy the critical patent law requirement.

The District Court, after taking evidence from experts, concluded that the patent claim was sufficiently definite. Among other things, it found that in context a skilled artisan would understand that the term "molecular weight" referred to molecular weight as calculated by the first method, *i. e.*, "peak average molecular weight." 810 F. Supp. 2d, at 596; see *Nautilus*, *supra*, at 911 ("[T]he definiteness inquiry trains on the understanding of a skilled artisan at the time of the patent application"). In part for this reason, the District Court held the patent valid. 810 F. Supp. 2d, at 596.

On appeal, the Federal Circuit held to the contrary. It found that the term "molecular weight" was indefinite. And it consequently held the patent invalid. 723 F. 3d, at 1369. In reaching this conclusion, the Federal Circuit reviewed *de novo* all aspects of the District Court's claim construction, including the District Court's determination of subsidiary

facts. *Id.*, at 1369, 1373; see also *Lighting Ballast Control LLC* v. *Philips Electronics North Am. Corp.*, 744 F. 3d 1272, 1276–1277 (CA Fed. 2014) (en banc) (reaffirming *de novo* review of district court claim construction).

Teva filed a petition for certiorari. And we granted that petition. The Federal Circuit reviews the claim construction decisions of federal district courts throughout the Nation, and we consequently believe it important to clarify the standard of review that it must apply when doing so.

II

A

Federal Rule of Civil Procedure 52(a)(6) states that a court of appeals "must not . . . set aside" a district court's "[f]indings of fact" unless they are "clearly erroneous." In our view, this rule and the standard it sets forth must apply when a court of appeals reviews a district court's resolution of subsidiary factual matters made in the course of its construction of a patent claim. We have made clear that the Rule sets forth a "clear command." *Anderson* v. *Bessemer City*, 470 U. S. 564, 574 (1985). "It does not make exceptions or purport to exclude certain categories of factual findings from the obligation of a court of appeals to accept a district court's findings unless clearly erroneous." *Pullman-Standard* v. *Swint*, 456 U. S. 273, 287 (1982). Accordingly, the Rule applies to both subsidiary and ultimate facts. *Ibid.* And we have said that, when reviewing the findings of a "'district court sitting without a jury, appellate courts must constantly have in mind that their function is not to decide factual issues *de novo.*'" *Anderson*, *supra*, at 573 (quoting *Zenith Radio Corp.* v. *Hazeltine Research, Inc.*, 395 U. S. 100, 123 (1969)).

Even if exceptions to the Rule were permissible, we cannot find any convincing ground for creating an exception to that Rule here. The Rules Advisory Committee pointed out that, in general, exceptions "would tend to undermine the

legitimacy of the district courts . . . , multiply appeals . . . , and needlessly reallocate judicial authority." Advisory Committee's 1985 Note on subd. (a) of Fed. Rule Civ. Proc. 52, 28 U. S. C. App., pp. 908–909; see also *Anderson*, *supra*, at 574–575 (*de novo* review of factual findings "would very likely contribute only negligibly" to accuracy "at a huge cost in diversion of judicial resources").

Our opinion in *Markman* neither created, nor argued for, an exception to Rule 52(a). The question presented in that case was a Seventh Amendment question: Should a jury or a judge construe patent claims? 517 U. S., at 372. We pointed out that history provides no clear answer. *Id.*, at 388. The task primarily involves the construction of written instruments. *Id.*, at 386, 388, 389. And that task is better matched to a judge's skills. *Id.*, at 388 ("The construction of written instruments is one of those things that judges often do and are likely to do better than jurors unburdened by training in exegesis"). We consequently held that claim construction falls "exclusively within the province of the court," not that of the jury. *Id.*, at 372.

When describing claim construction we concluded that it was proper to treat the ultimate question of the proper construction of the patent as a question of law in the way that we treat document construction as a question of law. *Id.*, at 388–391. But this does not imply an exception to Rule 52(a) for underlying factual disputes. We used the term "question of law" while pointing out that a judge, in construing a patent claim, is engaged in much the same task as the judge would be in construing other written instruments, such as deeds, contracts, or tariffs. *Id.*, at 384, 386, 388, 389; see also *Motion Picture Patents Co.* v. *Universal Film Mfg. Co.*, 243 U. S. 502, 510 (1917) (patent claims are "aptly likened to the description in a deed, which sets the bounds to the grant which it contains"); *Goodyear Dental Vulcanite Co.* v. *Davis*, 102 U. S. 222, 227 (1880) (analogizing patent construction to the construction of other written instruments like contracts).

Construction of written instruments often presents a "question solely of law," at least when the words in those instruments are "used in their ordinary meaning." *Great Northern R. Co.* v. *Merchants Elevator Co.*, 259 U. S. 285, 291 (1922). But sometimes, say, when a written instrument uses "technical words or phrases not commonly understood," *id.*, at 292, those words may give rise to a factual dispute. If so, extrinsic evidence may help to "establish a usage of trade or locality." *Ibid.* And in that circumstance, the "determination of the matter of fact" will "preced[e]" the "function of construction." *Ibid.*; see also 12 R. Lord, Williston on Contracts §§ 34:1, 34:19, pp. 2, 174 (4th ed. 2012) (In contract interpretation, the existence of a "usage"—a "practice or method" in the relevant industry—"is a question of fact" (internal quotation marks omitted)). This factual determination, like all other factual determinations, must be reviewed for clear error. See *Pullman-Standard*, *supra*, at 287 (The Rule does not "exclude certain categories of factual findings" and applies to both "subsidiary" and "ultimate" facts (internal quotation marks omitted)).

Accordingly, when we held in *Markman* that the ultimate question of claim construction is for the judge and not the jury, we did not create an exception from the ordinary rule governing appellate review of factual matters. *Markman* no more creates an exception to Rule 52(a) than would a holding that judges, not juries, determine equitable claims, such as requests for injunctions. A conclusion that an issue is for the judge does not indicate that Rule 52(a) is inapplicable. See Fed. Rule Civ. Proc. 52 (setting the standard of review for "[Factual] Findings and Conclusions by the *Court*" (emphasis added)).

While we held in *Markman* that the ultimate issue of the proper construction of a claim should be treated as a question of law, we also recognized that in patent construction, subsidiary factfinding is sometimes necessary. Indeed, we referred to claim construction as a practice with "evidentiary

underpinnings," a practice that "falls somewhere between a pristine legal standard and a simple historical fact." 517 U. S., at 378, 388, 390. We added that sometimes courts may have to make "credibility judgments" about witnesses. *Id.*, at 389. In other words, we recognized that courts may have to resolve subsidiary factual disputes. And, as explained above, the Rule requires appellate courts to review all such subsidiary factual findings under the "clearly erroneous" standard.

Precedent further supports application of the "clearly erroneous" standard. Before the creation of the Federal Circuit, the Second Circuit explained that in claim construction, the subsidiary "question . . . of how the art understood the term . . . was plainly a question of fact; and unless the [district court's] finding was 'clearly erroneous,' we are to take" it "as controlling." *Harries* v. *Air King Products Co.*, 183 F. 2d 158, 164 (1950) (L. Hand, C. J.). We have said the same as to subsidiary factual findings concerning other patent law inquiries, including "obviousness." *Dennison Mfg. Co.* v. *Panduit Corp.*, 475 U. S. 809, 811 (1986) (*per curiam*) ("subsidiary determinations of the District Court" subject to Rule 52(a)'s clear error standard).

Finally, practical considerations favor clear error review. We have previously pointed out that clear error review is "particularly" important where patent law is at issue because patent law is "a field where so much depends upon familiarity with specific scientific problems and principles not usually contained in the general storehouse of knowledge and experience." *Graver Tank & Mfg. Co.* v. *Linde Air Products Co.*, 339 U. S. 605, 610 (1950). A district court judge who has presided over, and listened to, the entirety of a proceeding has a comparatively greater opportunity to gain that familiarity than an appeals court judge who must read a written transcript or perhaps just those portions to which the parties have referred. Cf. *Lighting Ballast*, 744 F. 3d, at 1311 (O'Malley, J., dissenting) (Federal Circuit judges

"lack the tools that district courts have available to resolve factual disputes fairly and accurately," such as questioning the experts, examining the invention in operation, or appointing a court-appointed expert); *Anderson*, 470 U. S., at 574 ("The trial judge's major role is the determination of fact, and with experience in fulfilling that role comes expertise").

B

Sandoz argues that claim construction mostly consists of construing a set of written documents that do not give rise to subsidiary factual disputes. Tr. of Oral Arg. 39. It adds that separating "factual" from "legal" questions is often difficult. And Sandoz, like the Federal Circuit itself, argues that it is simpler for that appellate court to review the entirety of the district court's claim construction *de novo* rather than to apply two separate standards. *Id.*, at 38; see also *Lighting Ballast*, *supra*, at 1284 (criticizing clear error review in part because of the purportedly difficult task of "disentangling" fact from law).

But even were we free to ignore the Federal Rule (which we are not), we would not find this argument convincing. Courts of appeals have long found it possible to separate factual from legal matters. See, *e. g.*, *First Options of Chicago, Inc.* v. *Kaplan*, 514 U. S. 938, 947–948 (1995) (review of factual findings for clear error and legal conclusions *de novo* is the "ordinary" standard for courts of appeals). At the same time, the Federal Circuit's efforts to treat factual findings and legal conclusions similarly have brought with them their own complexities. See, *e. g.*, *Cybor Corp.* v. *FAS Technologies, Inc.*, 138 F. 3d 1448, 1454 (1998) (en banc) (claim construction does not involve "factual evidentiary findings" (citation and internal quotation marks omitted)); *Lighting Ballast*, *supra*, at 1284 (claim construction has "arguably factual aspects"); *Dow Jones & Co.* v. *Ablaise Ltd.*, 606 F. 3d 1338, 1344–1345 (2010) ("[T]his court," while reviewing claim construction without deference, "takes into account the

views of the trial judge"); *Nazomi Communications, Inc.* v. *Arm Holdings, PLC*, 403 F. 3d 1364, 1371 (2005) ("[C]ommon sense dictates that the trial judge's view will carry weight" (citation and internal quotation marks omitted)); *Lighting Ballast*, *supra*, at 1294 (Lourie, J., concurring) (we should "rarely" overturn district court's true subsidiary factfinding; "we should, and do, give proper informal deference to the work of judges of a subordinate tribunal"); *Cybor*, *supra*, at 1480 (opinion of Newman, J.) ("By continuing the fiction that there are no facts to be found in claim interpretations, we confound rather than ease the litigation process"); see also *Anderson*, *supra*, at 575 (the parties "have already been forced to concentrate their energies and resources on persuading the trial judge that their account of the facts is the correct one; requiring them to persuade three more judges at the appellate level is requiring too much"); Brief for Peter S. Menell et al. as *Amici Curiae* 5 (Federal Circuit overturns district court claim construction at unusually high rate).

Finally, the Circuit feared that "clear error" review would bring about less uniformity. *Lighting Ballast*, *supra*, at 1280. Neither the Circuit nor Sandoz, however, has shown that (or explained why) divergent claim construction stemming from divergent findings of fact (on subsidiary matters) should occur more than occasionally. After all, the Federal Circuit will continue to review *de novo* the district court's ultimate interpretation of the patent claims. And the attorneys will no doubt bring cases construing the same claim to the attention of the trial judge; those prior cases will sometimes be binding because of issue preclusion, see *Markman*, 517 U. S., at 391, and sometimes will serve as persuasive authority. Moreover, it is always possible to consolidate for discovery different cases that involve construction of the same claims. And, as we said in *Markman*, subsidiary factfinding is unlikely to loom large in the universe of litigated claim construction. *Id.*, at 389–390.

C

The dissent argues that claim construction does not involve any "factfinding," or, if it does, claim construction factfinding is akin to the factfinding that underlies our interpretation of statutes. *Post*, at 337, 340–343 (opinion of THOMAS, J.). Its first, broader contention runs contrary to our recognition in *Markman* that claim construction has "evidentiary underpinnings" and that courts construing patent claims must sometimes make "credibility judgments" about witnesses. 517 U. S., at 389–390. Indeed, as discussed in Part III, *infra*, this case provides a perfect example of the factfinding that sometimes underlies claim construction: The parties here presented the District Court with competing fact-related claims by different experts, and the District Court resolved the issues of fact that divided those experts.

The dissent's contention also runs contrary to Sandoz's concession at oral argument that claim construction will sometimes require subsidiary factfinding. Tr. of Oral Arg. 33–34, 38–40. It is in tension with our interpretation of related areas of patent law, such as the interpretation of "obviousness," which we have said involves subsidiary factfinding subject to Rule 52(a)'s clear error review. See *Dennison*, 475 U. S., at 811. And it fights the question presented in this case, which *assumes* the existence of such factfinding. See Pet. for Cert. i (whether "a district court's factual finding in support of its construction of a patent claim term may be reviewed *de novo*, . . . or only for clear error").

Neither do we find factfinding in this context sufficiently similar to the factfinding that underlies statutory interpretation. Statutes, in general, address themselves to the general public; patent claims concern a small portion of that public. Statutes typically (though not always) rest upon congressional consideration of general facts related to a reasonably broad set of social circumstances; patents typically (though not always) rest upon consideration by a few private parties, experts, and administrators of more narrowly circumscribed facts related to specific technical matters. The

public, and often an adversarial public, typically considers and discusses the relevant general facts before Congress enacts a statute; only private parties, experts, and administrators likely consider the relevant technical facts before the award of a patent. Given these differences, it is not surprising that this Court has never previously compared patent claim construction in any here relevant way to statutory construction. As discussed *supra*, at 325, however, the Court has repeatedly compared patent claim construction to the construction of other written instruments such as deeds and contracts. See, *e. g.*, *Markman*, *supra*, at 384, 386, 388, 389; *Motion Picture Patent Co.*, 243 U. S., at 510; *Goodyear*, 102 U. S., at 227.

D

Now that we have set forth *why* the Federal Circuit must apply clear error review when reviewing subsidiary factfinding in patent claim construction, it is necessary to explain *how* the rule must be applied in that context. We recognize that a district court's construction of a patent claim, like a district court's interpretation of a written instrument, often requires the judge only to examine and to construe the document's words without requiring the judge to resolve any underlying factual disputes. As all parties agree, when the district court reviews only evidence intrinsic to the patent (the patent claims and specifications, along with the patent's prosecution history), the judge's determination will amount solely to a determination of law, and the Court of Appeals will review that construction *de novo*. See Brief for Petitioners 27; Reply Brief 16; Brief for Respondents 43; see also Brief for United States as *Amicus Curiae* 12–13.

In some cases, however, the district court will need to look beyond the patent's intrinsic evidence and to consult extrinsic evidence in order to understand, for example, the background science or the meaning of a term in the relevant art during the relevant time period. See, *e. g.*, *Seymour* v. *Osborne*, 11 Wall. 516, 546 (1871) (a patent may be "so interspersed with technical terms and terms of art that the tes-

timony of scientific witnesses is indispensable to a correct understanding of its meaning"). In cases where those subsidiary facts are in dispute, courts will need to make subsidiary factual findings about that extrinsic evidence. These are the "evidentiary underpinnings" of claim construction that we discussed in *Markman*, and this subsidiary factfinding must be reviewed for clear error on appeal.

For example, if a district court resolves a dispute between experts and makes a factual finding that, in general, a certain term of art had a particular meaning to a person of ordinary skill in the art at the time of the invention, the district court must then conduct a legal analysis: whether a skilled artisan would ascribe that same meaning to that term *in the context of the specific patent claim under review.* That is because "[e]xperts may be examined to explain terms of art, and the state of the art, at any given time," but they cannot be used to prove "the proper or legal construction of any instrument of writing." *Winans* v. *New York & Erie R. Co.*, 21 How. 88, 100–101 (1859); see also *Markman*, *supra*, at 388 ("'Where technical terms are used, or where the qualities of substances . . . or any similar data necessary to the comprehension of the language of the patent are unknown to the judge, the testimony of witnesses may be received upon these subjects, and any other means of information be employed. *But in the actual interpretation of the patent the court proceeds upon its own responsibility, as an arbiter of the law, giving to the patent its true and final character and force*'" (quoting 2 W. Robinson, Law of Patents § 732, pp. 482–483 (1890); emphasis in original)).

Accordingly, the question we have answered here concerns review of the district court's resolution of a subsidiary factual dispute that helps that court determine the proper interpretation of the written patent claim. The district judge, after deciding the factual dispute, will then interpret the patent claim in light of the facts as he has found them. This ultimate interpretation is a legal conclusion. The appellate court can still review the district court's ultimate construc-

tion of the claim *de novo*. But, to overturn the judge's resolution of an underlying factual dispute, the Court of Appeals must find that the judge, in respect to those factual findings, has made a clear error. Fed. Rule Civ. Proc. 52(a)(6).

In some instances, a factual finding will play only a small role in a judge's ultimate legal conclusion about the meaning of the patent term. But in some instances, a factual finding may be close to dispositive of the ultimate legal question of the proper meaning of the term in the context of the patent. Nonetheless, the ultimate question of construction will remain a legal question. Simply because a factual finding may be nearly dispositive does not render the subsidiary question a legal one. "[A]n issue does not lose its factual character merely because its resolution is dispositive of the ultimate" legal question. *Miller* v. *Fenton*, 474 U. S. 104, 113 (1985). It is analogous to a judge (sitting without a jury) deciding whether a defendant gave a confession voluntarily. The answer to the legal question about the voluntariness of the confession may turn upon the answer to a subsidiary factual question, say, "whether in fact the police engaged in the intimidation tactics alleged by the defendant." *Id.*, at 112. An appellate court will review the trial judge's factual determination about the alleged intimidation deferentially (though, after reviewing the factual findings, it will review a judge's ultimate determination of voluntariness *de novo*). See *id.*, at 112–118. An appellate court similarly should review for clear error those factual findings that underlie a district court's claim construction.

III

We can illustrate our holding by considering an instance in which Teva, with the support of the Solicitor General, argues that the Federal Circuit wrongly reviewed the District Court's factual finding *de novo*. See Brief for Petitioners 54–56; Brief for United States as *Amicus Curiae* 31–32. Recall that Teva's patent claim specifies an active ingredient

with a "molecular weight of about 5 to 9 kilodaltons." Recall Sandoz's basic argument, namely, that the term "molecular weight" is indefinite or ambiguous. The term might refer to the weight of the most numerous molecule, it might refer to weight as calculated by the average weight of all molecules, or it might refer to weight as calculated by an average in which heavier molecules count for more. The claim, Sandoz argues, does not tell us which way we should calculate weight. See Part I, *supra.*

To illustrate, imagine we have a sample of copolymer-1 (the active ingredient) made up of 10 molecules: 4 weigh 6 kilodaltons each, 3 weigh 8 kilodaltons each, and 3 weigh 9 kilodaltons each. Using the first method of calculation, the "molecular weight" would be 6 kilodaltons, the weight of the most prevalent molecule. Using the second method, the molecular weight would be 7.5 (total weight, 75, divided by the number of molecules, 10). Using the third method, the molecular weight would be more than 8, depending upon how much extra weight we gave to the heavier molecules.

Teva argued in the District Court that the term "molecular weight" in the patent meant molecular weight calculated in the first way (the weight of the most prevalent molecule, or peak average molecular weight). Sandoz, however, argued that figure 1 of the patent showed that Teva could not be right. 810 F. Supp. 2d, at 590. (We have set forth figure 1 in the Appendix, *infra*). That figure, said Sandoz, helped to show that the patent term did *not* refer to the first method of calculation. Figure 1 shows how the weights of a sample's molecules were distributed in three different samples. The curves indicate the number of molecules of each weight that were present in each of the three. For example, the figure's legend says that the first sample's "molecular weight" is 7.7. According to Teva, that should mean that molecules weighing 7.7 kilodaltons were the most prevalent molecules in the sample. But, look at the curve, said Sandoz. It shows that the most prevalent molecule

weighed, not 7.7 kilodaltons, but slightly less than 7.7 (about 6.8) kilodaltons. See App. 138a–139a. After all, the *peak* of the first molecular weight distribution curve (the solid curve in the figure) is not at precisely 7.7 kilodaltons, but at a point just before 7.7. Thus, argued Sandoz, the figure shows that the patent claim term "molecular weight" did not mean molecular weight calculated by the first method. It must mean something else. It is indefinite. 810 F. Supp. 2d, at 590.

The District Court did not accept Sandoz's argument. Teva's expert testified that a skilled artisan would understand that converting data from a chromatogram to molecular weight distribution curves like those in figure 1 would cause the peak on each curve to shift slightly; this could explain the difference between the value indicated by the peak of the curve (about 6.8) and the value in the figure's legend (7.7). App. 138a–139a. Sandoz's expert testified that no such shift would occur. App. 375a–376a. The District Court credited Teva's expert's account, thereby rejecting Sandoz's expert's explanation. 810 F. Supp. 2d, at 589; Brief for Respondents 61. The District Court's finding about this matter was a factual finding—about how a skilled artisan would understand the way in which a curve created from chromatogram data reflects molecular weights. Based on that factual finding, the District Court reached the legal conclusion that figure 1 did not undermine Teva's argument that molecular weight referred to the first method of calculation (peak average molecular weight). 810 F. Supp. 2d, at 590–591.

When the Federal Circuit reviewed the District Court's decision, it recognized that the peak of the curve did not match the 7.7 kilodaltons listed in the legend of figure 1. 723 F. 3d, at 1369. But the Federal Circuit did not accept Teva's expert's explanation as to how a skilled artisan would expect the peaks of the curves to shift. And it failed to accept that explanation without finding that the District

Court's contrary determination was "clearly erroneous." See *ibid.* The Federal Circuit should have accepted the District Court's finding unless it was "clearly erroneous." Our holding today makes clear that, in failing to do so, the Federal Circuit was wrong.

Teva claims that there are two additional instances in which the Federal Circuit rejected the District Court's factual findings without concluding that they were clearly erroneous. We leave these matters for the Federal Circuit to consider on remand in light of today's opinion.

We vacate the Federal Circuit's judgment, and we remand the case for further proceedings consistent with this opinion.

It is so ordered.

APPENDIX

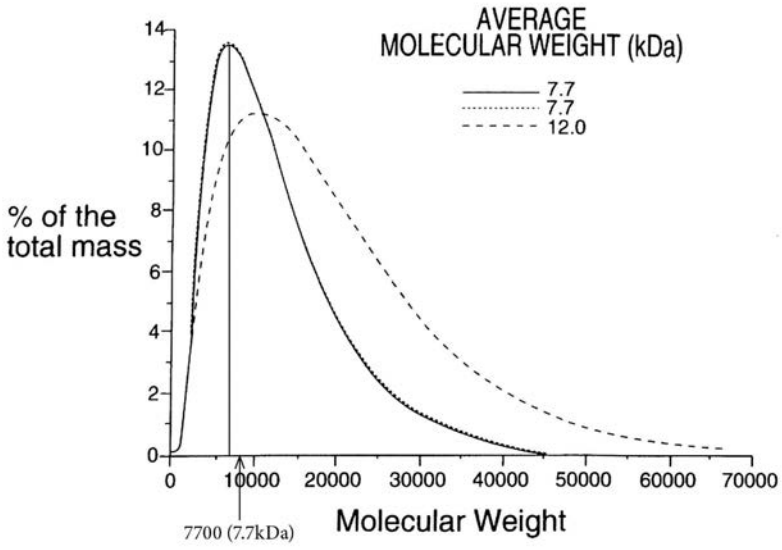

FIG. 1 (with minor additions to emphasize that the peak of the solid curve does not correspond precisely to 7.7kDa)

JUSTICE THOMAS, with whom JUSTICE ALITO joins, dissenting.

I agree with the Court's conclusion that there is no special exception to Federal Rule of Civil Procedure 52(a)(6) for claim construction. But that is not the question in this case. Because Rule 52(a)(6) provides for clear error review only of "findings of fact" and "does not apply to conclusions of law," *Pullman-Standard* v. *Swint*, 456 U. S. 273, 287 (1982), the question here is whether claim construction involves findings of fact.[1] Because it does not, Rule 52(a)(6) does not apply, and the Court of Appeals properly applied a *de novo* standard of review.

I

In reaching the contrary conclusion, the majority fails to engage the "vexing . . . distinction between questions of fact and questions of law." *Id.*, at 288. Unfortunately, "Rule 52(a) does not furnish particular guidance with respect to distinguishing law from fact," and we have found it difficult to discern "any other rule or principle that will unerringly" differentiate the two. *Ibid.* That inquiry is thus not as simple as pointing out the undeniable "evidentiary underpinnings" of claim construction. *Ante*, at 332.

Instead, we must consider how "findings of fact" and "conclusions of law" were understood at the time Rule 52 was adopted. Cf. *Tome* v. *United States*, 513 U. S. 150, 168 (1995)

[1] The majority argues that we are bound by petitioners' phrasing of the question presented and by respondents' concession at oral argument that claim construction "will sometimes require subsidiary factfinding." *Ante*, at 330. But the parties' stipulations that claim construction involves subsidiary factual determinations, with which I do not quarrel, do not settle the question whether those determinations are "findings of fact" within the meaning of Rule 52(a)(6). And to the extent that the majority premises its holding on what it sees as stipulations that these determinations *are* "findings of fact" for purposes of Rule 52(a)(6), then its holding applies only to the present dispute, and other parties remain free to contest this premise in the future.

(SCALIA, J., concurring in part and concurring in judgment) (noting that, because the Federal Rules have their background in common-law principles, "the body of common law knowledge must be a source of guidance in our interpretation of the Rules" (internal quotation marks omitted)). Unfortunately, the pre-1937 evidence of this Court's treatment of evidentiary determinations underlying claim construction is inconclusive. In several decisions, the Court considered extrinsic evidence related to claim construction with no apparent deference to the District Courts' findings based on that evidence. *Coupe* v. *Royer*, 155 U. S. 565, 576 (1895); *Loom Co.* v. *Higgins*, 105 U. S. 580, 584–587 (1882); *Tilghman* v. *Proctor*, 102 U. S. 707, 729–731 (1881); *Winans* v. *Denmead*, 15 How. 330, 339 (1854). None of those decisions, however, expressly turned on a disagreement over a subsidiary evidentiary determination.

Absent specific evidence of the treatment of a particular issue at the time Rule 52 was adopted, we have drawn analogies to the treatment of other issues under Rule 52(a)(6). See, *e. g.*, *Pullman*, *supra*, at 288. In general, we have treated district-court determinations as "analytically more akin to a fact" the more they pertain to a simple historical fact of the case, and as "analytically more akin to . . . a legal conclusion" the more they define rules applicable beyond the parties' dispute. *Miller* v. *Fenton*, 474 U. S. 104, 116 (1985); see also *Bose Corp.* v. *Consumers Union of United States, Inc.*, 466 U. S. 485 (1984); *Baumgartner* v. *United States*, 322 U. S. 665, 671 (1944). Under this approach, determinations underlying claim construction fall on the law side of the dividing line.

A

Patents are written instruments, so other written instruments supply the logical analogy. See *Markman* v. *Westview Instruments, Inc.*, 517 U. S. 370, 381 (1996). And as the majority recognizes, the construction of written instruments is generally a question of law. See *ante*, at 325. But

in certain contexts, a court construing a written instrument makes subsidiary determinations that the law treats as findings of fact.

The classic case of a written instrument whose construction does *not* involve subsidiary findings of fact is a statute. Our treatment of subsidiary evidentiary findings underlying statutory construction as conclusions of law makes sense for two reasons.

First, although statutory construction may demand some inquiry into legislative "intent," that inquiry is analytically legal: The meaning of a statute does not turn on what an individual lawmaker intended as a matter of fact, but only on what intent has been enacted into law through the constitutionally defined channels of bicameralism and presentment. See *Wyeth* v. *Levine*, 555 U. S. 555, 587 (2009) (THOMAS, J., concurring in judgment). This remains so even if deciding what passed through those channels requires a court to determine a "fact" of historical understanding through an examination of extrinsic evidence. See, *e. g.*, *Sosa* v. *Alvarez-Machain*, 542 U. S. 692, 714–715 (2004) (examining the historical understanding of the term "law of nations" when the Alien Tort Statute was enacted); see also, *e. g.*, *McIntyre* v. *Ohio Elections Comm'n*, 514 U. S. 334, 359–366 (1995) (THOMAS, J., concurring in judgment) (construing a constitutional provision by asking how the words were originally understood and marshaling evidence of that understanding). The Court has given no hint that this practice changes when the statute it construes is a land patent—that is, a public land grant. See *Leo Sheep Co.* v. *United States*, 440 U. S. 668, 669 (1979) (making detailed historical findings in the course of construing a land grant because "'courts, in construing a statute, may with propriety recur to the history of the times when it was passed . . . in order to ascertain the reason as well as the meaning of particular provisions in it'"); see also *Marvin M. Brandt Revocable Trust* v. *United States*, 572 U. S. 93, 103–104 (2014) (looking to the historical

background against which a land grant was passed to confirm its interpretation).

Second, statutes govern the rights and duties of the public as a whole, so subsidiary evidentiary findings shape legal rules that apply far beyond the boundaries of the dispute involved. Our rules of construction for legislative acts have long been consciously shaped by the public's stake in those acts. See, *e. g.*, *The Binghamton Bridge*, 3 Wall. 51, 75 (1866) (describing a rule of construction borrowed from English common law and reflected in the decisions of the several States).

The construction of contracts and deeds, by contrast, sometimes involves subsidiary findings of fact. Our treatment of subsidiary evidentiary findings as findings of fact in this context makes sense because, in construing contracts and deeds, "the avowed purpose and primary function of the court is to ascertain the intention of the parties." 11 R. Lord, Williston on Contracts § 30:2, pp. 17–18 (4th ed. 2012) (Williston); see also *Reed* v. *Proprietors of Locks and Canals on Merrimac River*, 8 How. 274, 288–289 (1850). Sometimes that intention is clearly "set forth in the express language of the contract," 11 Williston § 31:1, at 341–342, so no subsidiary findings of fact are necessary to its construction, *id.*, § 30:1. But when ambiguities require a court to look beyond the express language, its search for intent becomes factual in nature. That search focuses on "real intention[s]"—embodied in an actual meeting of minds or an actual conveyance of a physical parcel of land—that have an existence outside the written instrument and that the instrument merely records. See *William & James Brown & Co.* v. *McGran*, 14 Pet. 479, 493 (1840) (Story, J.); *Reed*, *supra*, at 289. See generally *Union Pacific R. Co.* v. *United States*, 10 Ct. Cl. 548, 577–578 (1874) (declining to interpret a contract-like statute according to contract rules because "[a]ll the terms of the compact are dictated and accepted by one side, and the only

intent which judicial construction can make certain is the intent of the legislative power"), cited in 3 N. Singer, Sutherland on Statutory Construction § 63:1, p. 405, n. 6 (7th ed. 2008).

Of course, not all subsidiary inquiries that a court makes in the course of construing contracts amount to findings of fact. For example, when a court searches for the meaning that a hypothetical person "conversant with the subject-matter with which the contract is dealing" would give to the words of the contract, its conclusion often remains one of law. *Silver King Coalition Mines Co. of Nevada* v. *Silver King Consol. Mining Co. of Utah*, 204 F. 166, 172 (CA8 1913), cited in Advisory Committee's 1937 Notes on Fed. Rule Civ. Proc. 52, 28 U. S. C. App., p. 686.

The question we must ask, then, is whether the subsidiary findings underlying claim construction more closely resemble the subsidiary findings underlying the construction of statutes or those underlying the construction of contracts and deeds that are treated as findings of fact. This, in turn, depends on whether patent claims are more like statutes or more like contracts and deeds.

B

A patent, generally speaking, is "an official document reflecting a grant by a sovereign that is made public, or 'patent.'" *Marvin M. Brandt Revocable Trust*, *supra*, at 99. Invention patents originated not as private property rights, but as royal prerogatives. See 4 W. Holdsworth, A History of English Law 350–351 (1924). They could be issued and revoked only by the Crown, which sometimes used the patent to delegate governmental power to regulate an industry. *Id.*, at 344–347. Provoked by the Crown's use of these so-called "monopoly patents" to promote private economic interests over innovation and beneficial commerce, Parliament enacted the Statute of Monopolies in 1624. *Id.*, at 353. But

even under the regime that Parliament put in place, patents remained sovereign grants, issued, enforced, and revoked by the Privy Council. Lemley, Why Do Juries Decide if Patents Are Valid? 99 Va. L. Rev. 1673, 1681 (2013).

The Framers adopted a similar scheme. Article I of the U. S. Constitution vests the patent power in Congress, authorizing it "[t]o promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." Art. I, § 8, cl. 8. Although Congress could issue such patents as special statutes, see, *e. g.*, *Bloomer* v. *McQuewan*, 14 How. 539, 549–550 (1853), it has mostly acted by authorizing the Executive Branch to issue patents when certain statutory requirements are met. See 35 U. S. C. § 151; see also Act of July 8, 1870, § 31, 16 Stat. 202; Act of July 4, 1836, § 7, 5 Stat. 119; Act of Apr. 10, 1790, ch. 7, § 1, 1 Stat. 109–110.

Like the royal prerogatives that were their historical antecedents, patents have a regulatory effect: They "restrain *others* from manufacturing, using or selling that which [the patent holder] has invented" for a specified period of time. *Motion Picture Patents Co.* v. *Universal Film Mfg. Co.*, 243 U. S. 502, 510 (1917) (emphasis added). And because the regulatory scope of a patent is determined by the claims in the patent, the subsidiary findings that a court makes during claim construction contribute to rules that limit conduct by the public at large.

Because they are governmental dispositions and provide rules that bind the public at large, patent claims resemble statutes. The scope of a patent holder's monopoly right is defined by claims legally actualized through the procedures established by Congress pursuant to its patent power. Thus, a patent holder's actual intentions have effect only to the extent that they are expressed in the public record. See *Keystone Bridge Co.* v. *Phoenix Iron Co.*, 95 U. S. 274, 279 (1877); see also *Goodyear Dental Vulcanite Co.* v. *Davis*, 102 U. S. 222, 227 (1880) (examining "the avowed understanding

of the patentee," but disclaiming any holding that such understanding "c[ould] be allowed to enlarge, diminish, or vary the language of a patent afterwards issued").

Moreover, because the ultimate meaning of a patent claim, like the ultimate meaning of a statute, binds the public at large, it should not depend on the specific evidence presented in a particular infringement case. Although the party presentations shape even statutory construction, *de novo* review on appeal helps to ensure that the construction is not skewed by the specific evidence presented in a given case.

C

For purposes of construction, contracts and deeds are less natural analogies for patents. In particular, patents lack the characteristics of those instruments that have justified departing from the usual practice of treating document construction as a wholly legal inquiry, not subject to subsidiary findings of fact.

To be sure, we have occasionally characterized a patent as "a carefully crafted bargain" between the inventor and the public. *Pfaff* v. *Wells Electronics, Inc.*, 525 U. S. 55, 63 (1998); see also *Kendall* v. *Winsor*, 21 How. 322, 327–328 (1859); *Grant* v. *Raymond*, 6 Pet. 218, 242 (1832). But as our decisions have also recognized, the patent is perhaps better characterized as a reward for feats already accomplished—that is, innovation and public disclosure—than as a mutual exchange of executory promises. See, *e. g.*, *Motion Picture Patents Co.*, *supra*, at 513; *Seymour* v. *Osborne*, 11 Wall. 516, 533–534 (1871); *Grant*, *supra*, at 242; see also *Markman* v. *Westview Instruments, Inc.*, 52 F. 3d 967, 985, n. 14 (CA Fed. 1995), aff'd 517 U. S. 370 (1996) (distinguishing patents from contracts). In granting a patent, the Government is acting not as a party to a bilateral contract binding upon itself alone, but instead as a sovereign bestowing upon the inventor a right to exclude the public at large from the invention marked out by his claims.

In this sense, patents are more closely analogous to deeds, *Motion Picture Patents Co.*, *supra*, at 510 (collecting cases), because they share the common characteristic of describing rights that the owner holds against the world. See *Bonito Boats, Inc.* v. *Thunder Craft Boats, Inc.*, 489 U. S. 141, 162 (1989). But in the context of land patents, we have been unwilling to interpret sovereign dispositions in the same way we interpret analogous private conveyances. See, *e. g.*, *Leo Sheep Co.*, 440 U. S., at 680–682; *Missouri, K. & T. R. Co.* v. *Kansas Pacific R. Co.*, 97 U. S. 491, 497 (1878); *Leavenworth, L. & G. R. Co.* v. *United States*, 92 U. S. 733, 740–741 (1876); see also *Marvin M. Brandt Revocable Trust*, 572 U. S. 93 (interpreting a land grant as a statute rather than as a deed). We should not blithely extend the rules governing the construction of deeds to their even more distant cousins, invention patents.[2]

[2] The Anglo-American legal tradition has long distinguished between "core" private rights—including the traditional property rights represented by deeds—and other types of rights. Nelson, Adjudication in the Political Branches, 107 Colum. L. Rev. 559, 567 (2007) (Nelson). These other rights fall into two categories: "'public rights belonging to the people at large,'" and "privileges" or "franchises," "which public authorities ha[ve] created purely for reasons of public policy and which ha[ve] no counterpart in the Lockean state of nature." *Id.*, at 566–567 Notwithstanding a movement to recognize a "core" property right in inventions, the English common law placed patents squarely in the final category, as franchises that "depend upon express legislation," and "hath [their] essence by positive municipal law." 7 W. Holdsworth, A History of English Law 479, n. 7, 480, and n. 4, 497 (1926). The distinction between "core" private rights, on the one hand, and public rights and government-created privileges, on the other, has traditionally had significant implications for the way in which rights are adjudicated. Nelson, *supra*. Thus, no matter how closely a franchise resembles some "core" private right, it does not follow that it must be subject to the same rules of judicial interpretation as its counterpart.

Cases interpreting deeds and land patents exemplify this rule and show why the majority's assertion that patents affect fewer people than statutes, in addition to being a dubious overgeneralization, is not a material distinction. Land patents are more like deeds than statutes in the sense

Bearing these differences in mind, the subsidiary facts relevant to the construction of patents, on the one hand, and contracts and deeds, on the other, differ substantially. As explained above, we have justified treating subsidiary determinations about the actual intentions of parties to contracts and deeds as findings of fact. But the subsidiary determinations about patent claims that the majority identifies as factual do not concern historical facts, such as what the parties agreed to do or how a given parcel of land is situated. See *William & James Brown & Co.*, 14 Pet., at 493; *Reed*, 8 How., at 289.

For example, the "fact" of how a skilled artisan would understand a given term or phrase at a particular point in history is a legal fiction; it has no existence independent of the claim construction process. There is no actual "skilled artisan" who, at the moment the application was filed, formed an understanding of the terms of the claim—an understanding that an omniscient factfinder could ascertain. Neither is the skilled artisan's understanding a proxy for some external fact that, could the court know it, would supply the meaning of a patent claim. Whatever the scope of the inventor's right under the patent before the introduction of claims, the law has limited that right to the claims as written in the patent. See *Markman*, 517 U. S., at 379. Our decision in *Markman* rested in part on this characteristic of claim construction, distinguishing it from other patent determinations that must go to a jury because they require the factfinder to inspect "'an embodied conception outside of the patent itself'" or things "'which have their existence *in pais*.'" *Id.*,

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that their effects are more localized, yet the judicial power approaches them differently because they dispose of public rights held by the government on behalf of the people, Nelson 566. See also *The Binghamton Bridge*, 3 Wall. 51, 75 (1866) (interpreting a state grant of a corporate charter as a "contract" but subject to the special common-law rule that all ambiguities must be construed in favor of the State because "in grants by the public nothing passes by implication").

at 385–386 (distinguishing *Bischoff* v. *Wethered*, 9 Wall. 812 (1870)).

Because the skilled artisan inquiry in claim construction more closely resembles determinations categorized as "conclusions of law" than determinations categorized as "findings of fact," I would hold that it falls outside the scope of Rule 52(a)(6) and is subject to *de novo* review.

II

A

The majority makes little effort to justify its assertion that the subsidiary determinations a district court makes in the course of claim construction are findings of fact. And the few analogies that it attempts to draw either lack support or prove too much.

For example, relying on *Great Northern R. Co.* v. *Merchants Elevator Co.*, 259 U. S. 285, 292 (1922), the majority compares the search for the meaning of "'technical words or phrases not commonly understood'" in claim construction to "questions of fact" about the scope of a railway tariff. *Ante*, at 326. It is true that, in *Great Northern*, the Court referred to questions of fact arising in the context of contract construction, which, it pointed out, must go to a jury. 259 U. S., at 292–293. But the Court's conclusion that similar questions must be settled by the Interstate Commerce Commission (ICC) when they relate to the interpretation of a railway tariff merely proves the point that the allocation of a technical usage inquiry depends upon the legal instrument that the court is construing. In that case, the Court was faced with a tariff filed with, and administered by, the ICC. And it was not concerned with allocating evidentiary determinations between trial and appellate courts, but with allocating them between an agency and the judiciary. *Id.*, at 289. So understood, the distinction the Court drew pertains more to an emerging rule of administrative deference than to a definitive classification of judicial determinations.

Further reinforcing the point that the nature of the legal instrument dictates our treatment of subsidiary findings is that, although terms in statutes and regulations frequently have technical meanings unknown outside the specialized community they are meant to regulate, we treat the inquiry into those meanings as involving only conclusions of law. See, *e. g.*, *Norfolk & Western R. Co.* v. *Hiles*, 516 U. S. 400, 401–407, 413–414 (1996); *Aluminum Co. of America* v. *Central Lincoln Peoples' Util. Dist.*, 467 U. S. 380, 390 (1984). The majority's unexamined reliance on technical usage could be read to cast doubt on this practice, as well as on our holding in *Markman* that claim construction is exclusively for the court. If claim construction involves subsidiary questions of technical meaning or usage that are indistinguishable from those questions submitted to the jury in the contract context, see 12 Williston § 34:19, then one might wonder why such issues are not submitted to the jury in the patent and statute contexts, too.

The majority also analogizes to the obviousness inquiry in patent law, which involves findings of fact subject to Rule 52(a)(6). *Ante*, at 330 (citing *Dennison Mfg. Co.* v. *Panduit Corp.*, 475 U. S. 809, 811 (1986) (*per curiam*)). But this analogy is even further off the mark because obviousness turns on historical facts about the circumstances of the invention, rather than on the construction of a written instrument. *Id.*, at 810–811. Cf. *Markman*, *supra*, at 386 (distinguishing the novelty inquiry from claim construction on these grounds).

B

Nor does the majority attempt to justify its holding by reference to which "'judicial actor is better positioned . . . to decide the issue in question,'" *Markman*, *supra*, at 388—an inquiry that we have also treated as relevant to the classification of fact versus law, *Miller*, 474 U. S., at 114. In resolving issues of judicial administration, we have considered that federal appellate courts are "expositor[s] of law," *ibid.*, and

have acknowledged that they are better positioned than district courts to promote uniformity, *Markman*, *supra*, at 390; see also *Ornelas* v. *United States*, 517 U. S. 690, 697–698 (1996). We have recognized, however, that trial courts have a special competence in judging witness credibility and weighing the evidence, *Miller*, *supra*, at 114, and have been cautious not to waste judicial and party resources through needless relitigation, see *Anderson* v. *Bessemer City*, 470 U. S. 564, 575 (1985).

To the extent that the construction of a patent claim turns on testimony of expert witnesses, especially live testimony, there is no denying that it falls within the bounds of a district court's special competence. But as we recognized in *Markman*, and as the majority is careful to reiterate today, "subsidiary factfinding is unlikely to loom large in the universe of litigated claim construction." *Ante*, at 329. The majority's reluctance to highlight "allocation," *Miller*, *supra*, at 113, is thus understandable. The arguments favoring allocation to the district court, diminished by the majority's own prediction, are outweighed by the remaining rule-of-law and uniformity considerations that factored into our allocation in *Markman*, *supra*, at 388–391.

1

We have long been cautious not to allocate issues in a way that would "strip a federal appellate court of its primary function as an expositor of law." *Miller*, 474 U. S., at 114. Although we have recognized that "an issue does not lose its factual character merely because its resolution is dispositive of the ultimate" dispute, *id.*, at 113, we have been less inclined to defer to seemingly factual determinations that play a dispositive role in the development of legal rules. For example, we have sanctioned *de novo* appellate review of the mixed determinations of "probable cause" and "reasonable suspicion" on the ground that "the legal rules . . . acquire content only through application." *Ornelas*, *supra*,

at 697; see also *Miller*, *supra,* at 116. Although such determinations depend on the specific facts in a case, their role in shaping rules of law demand a *de novo* standard of review.

As previously noted, patents are authoritative governmental dispositions. Thus, when a judge construes a patent, he is, in a very real sense, "say[ing] what the law is," *Marbury* v. *Madison*, 1 Cranch 137, 177 (1803), not just for the parties to the dispute, but for the public at large. It follows that, any time a district court's claim construction turns on subsidiary evidentiary disputes, the majority's rule will distort the appellate court's construction of the law by requiring it to defer to subsidiary determinations that are dispositive as to its meaning. Surely the majority would not countenance such an abdication of the appellate court's role in the construction of statutes. Yet the majority has not justified applying a different rule to the construction of legislative acts that take the form of a patent.

2

The need for uniformity in claim construction also weighs heavily in favor of *de novo* review of subsidiary evidentiary determinations. Uniformity is a critical feature of our patent system because "'[t]he limits of a patent must be known for the protection of the patentee, the encouragement of the inventive genius of others and the assurance that the subject of the patent will be dedicated ultimately to the public.'" *Markman*, 517 U. S., at 390. If the boundaries of the patent right could shift from case to case, then the result would be "a 'zone of uncertainty which enterprise and experimentation may enter only at the risk of infringement.'" *Ibid.*; see also *Festo Corp.* v. *Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U. S. 722, 731 (2002). So damaging is this unpredictability that we identified uniformity as an "independent" reason justifying our allocation of claim construction to the court. See *Markman*, *supra,* at 390.

The majority attempts to downplay the effect its decision will have on uniformity by pointing out that "prior cases [construing the same claim] will sometimes be binding because of issue preclusion, and sometimes will serve as persuasive authority." *Ante*, at 329 (citing *Markman*, *supra*, at 391; citation omitted). But we have already rejected the notion that issue preclusion adequately safeguards the uniformity that our patent system requires. See *Markman*, *supra*, at 391.

Perhaps the majority is correct that "subsidiary factfinding is unlikely to loom large in the universe of litigated claim construction." *Ante*, at 329. But I doubt it. If this case proves anything, it is that the line between fact and law is an uncertain one—made all the more uncertain by the majority's failure to identify sound principles for the lines it draws. The majority's rule provides litigants who prevail in district court a significant opportunity and incentive to take advantage of this uncertainty by arguing on appeal that the district court's claim construction involved subsidiary findings of fact. At best, today's holding will spawn costly—and, if the majority is correct about the frequency with which these evidentiary determinations make a difference, meritless—collateral litigation over the line between law and fact. We generally avoid any rule of judicial administration that "results in a substantial expenditure of scarce judicial resources on difficult questions that have no effect on the outcome of the case," *Pearson* v. *Callahan*, 555 U. S. 223, 236–237 (2009), and there is no reason to embrace one here. But I fear worse: that today's decision will result in fewer claim construction decisions receiving precedential effect, thereby injecting uncertainty into the world of invention and innovation.

In short, the majority's rule finds no support in either the historical understanding of "findings of fact" or considerations of policy that have served as our guide when we have been confronted with a difficult question of fact-law classification. I would not adopt it.

III

The Court of Appeals reviewed *de novo* not only the District Court's claim construction, but also its holding that the claims were sufficiently definite to satisfy 35 U. S. C. § 112, ¶2 (2006 ed.). I would hold that the Court of Appeals correctly treated the indefiniteness inquiry as a question of law because it depends entirely on claim construction.

"[A] patent is invalid for indefiniteness if its claims, read in light of the specification delineating the patent, and the prosecution history, fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention." *Nautilus, Inc.* v. *Biosig Instruments, Inc.*, 572 U. S. 898, 901 (2014). This standard falls somewhere between a notice requirement and a prohibition on ambiguity. See *id.*, at 909–910. Determining whether a claim is indefinite is thus akin to other legal inquiries commonly performed in the course of interpreting written instruments. See, *e. g.*, *Mayo Foundation for Medical Ed. and Research* v. *United States*, 562 U. S. 44, 52–53 (2011) (reviewing without deference the District Court's determination that a statute is unambiguous at step one of *Chevron U. S. A. Inc.* v. *Natural Resources Defense Council, Inc.*, 467 U. S. 837 (1984)); 11 Williston § 30:5, at 75 ("The determination of whether a contract is ambiguous is a question of law for the court"). Thus, a holding that a patent satisfies the definiteness requirement does not turn on "findings of fact" as that term is used in Rule 52(a)(6), and the Court of Appeals properly applied a *de novo* standard of review.

* * *

Although it relied on expert testimony to understand the science underlying petitioners' claims, the District Court made no "findings of fact" as that term is used in Rule 52(a)(6). Thus, the Court of Appeals properly reviewed the District Court's conclusions of law *de novo*. I respectfully dissent.

Syllabus

HOLT, AKA MUHAMMAD *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 13–6827. Argued October 7, 2014—Decided January 20, 2015

Section 3 of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) provides that "[n]o government shall impose a substantial burden on the religious exercise" of an institutionalized person unless the government demonstrates that the burden "is the least restrictive means of furthering [a] compelling governmental interest." 42 U. S. C. § 2000cc–1(a).

Petitioner is an Arkansas inmate and devout Muslim who wishes to grow a ½-inch beard in accordance with his religious beliefs. Respondent Arkansas Department of Correction (Department) prohibits its prisoners from growing beards, with the single exception that inmates with diagnosed skin conditions may grow ¼-inch beards. Petitioner sought an exemption on religious grounds and, although he believes that his faith requires him not to trim his beard at all, he proposed a compromise under which he would be allowed to maintain a ½-inch beard. Prison officials denied his request, and petitioner sued in Federal District Court. At an evidentiary hearing before a Magistrate Judge, Department witnesses testified that beards compromised prison safety because they could be used to hide contraband and because an inmate could quickly shave his beard to disguise his identity. The Magistrate Judge recommended dismissing petitioner's complaint, emphasizing that prison officials are entitled to deference on security matters and that the prison permitted petitioner to exercise his religion in other ways. The District Court adopted the recommendation in full, and the Eighth Circuit affirmed, holding that the Department had satisfied its burden of showing that the grooming policy was the least restrictive means of furthering its compelling security interests, and reiterating that courts should defer to prison officials on matters of security.

Held: The Department's grooming policy violates RLUIPA insofar as it prevents petitioner from growing a ½-inch beard in accordance with his religious beliefs. Pp. 360–370.

(a) Under RLUIPA, the challenging party bears the initial burden of proving that his religious exercise is grounded in a sincerely held religious belief, see *Burwell* v. *Hobby Lobby Stores, Inc.*, 573 U. S. 682, 717, n. 28, and that the government's action substantially burdens his reli-

gious exercise. Here, petitioner's sincerity is not in dispute, and he easily satisfies the second obligation. The Department's policy forces him to choose between "engag[ing] in conduct that seriously violates [his] religious belie[f]," *id.*, at 720, or contravening the grooming policy and risking disciplinary action. In reaching the opposite conclusion, the District Court misunderstood the analysis that RLUIPA demands. First, the District Court erred by concluding that the grooming policy did not substantially burden petitioner's religious exercise because he could practice his religion in other ways. Second, the District Court erroneously suggested that the burden on petitioner's religious exercise was slight because petitioner testified that his religion would "credit" him for attempting to follow his religious beliefs, even if that attempt proved unsuccessful. RLUIPA, however, applies to religious exercise regardless of whether it is "compelled." § 2000cc–5(7)(A). Finally, the District Court improperly relied on petitioner's testimony that not all Muslims believe that men must grow beards. Even if petitioner's belief were idiosyncratic, RLUIPA's guarantees are "not limited to beliefs which are shared by all of the members of a religious sect." *Thomas* v. *Review Bd. of Indiana Employment Security Div.*, 450 U. S. 707, 715–716. Pp. 360–362.

(b) Once the challenging party satisfies his burden, the burden shifts to the government to show that substantially burdening the religious exercise of the "particular claimant" is "the least restrictive means of furthering [a] compelling governmental interest." *Hobby Lobby*, *supra*, at 726; § 2000cc–1(a). The Department fails to show that enforcing its beard prohibition against petitioner furthers its compelling interests in preventing prisoners from hiding contraband and disguising their identities. Pp. 362–367.

(i) While the Department has a compelling interest in regulating contraband, its argument that this interest is compromised by allowing an inmate to grow a ½-inch beard is unavailing, especially given the difficulty of hiding contraband in such a short beard and the lack of a corresponding policy regulating the length of hair on the head. RLUIPA does not permit the unquestioning deference required to accept the Department's assessment. See *Gonzales* v. *O Centro Espírita Beneficente União do Vegetal*, 546 U. S. 418, 434. Even if the Department could show that denying petitioner a ½-inch beard furthers its interest in rooting out contraband, it would still have to show that its policy is the least restrictive means of furthering that interest, a standard that is "exceptionally demanding" and requires the government to "sho[w] that it lacks other means of achieving its desired goal without imposing a substantial burden on the exercise of religion by the objecting part[y]." *Hobby Lobby*, *supra*, at 728. Here, the Department fails to establish that its security concerns cannot be satisfied by simply searching a ½-inch beard. Pp. 363–365.

Syllabus

(ii) Even if the Department's grooming policy furthers its compelling interest in prisoner identification, its policy still violates RLUIPA as applied in the present circumstances. As petitioner argues, requiring inmates to be photographed both with and without beards and then periodically thereafter is a less restrictive means of solving the Department's identification concerns. The Department fails to show why its prison system is so different from the many institutions that allow facial hair that the dual-photo method cannot be employed at its institutions. It also fails to show why the security risk presented by a prisoner shaving a ½-inch beard is so different from the risk of a prisoner shaving a mustache, head hair, or ¼-inch beard. Pp. 365–367.

(c) In addition to the Department's failure to prove that petitioner's proposed alternatives would not sufficiently serve its security interests, the Department also fails to adequately explain the substantial underinclusiveness of its policy, since it permits ¼-inch beards for prisoners with medical conditions and more than one-half inch of hair on the head. Its failure to pursue its proffered objectives with regard to such "analogous nonreligious conduct" suggests that its interests "could be achieved by narrower ordinances that burdened religion to a far lesser degree." *Church of Lukumi Babalu Aye, Inc.* v. *Hialeah*, 508 U. S. 520, 546. Nor does the Department explain why the vast majority of States and the Federal Government can permit inmates to grow ½-inch beards, either for any reason or for religious reasons, but it cannot. Such evidence requires a prison, at a minimum, to offer persuasive reasons why it believes it must take a different course. See *Procunier* v. *Martinez*, 416 U. S. 396, 414, n. 14. Pp. 367–369.

509 Fed. Appx. 561, reversed and remanded.

ALITO, J., delivered the opinion for a unanimous Court. GINSBURG, J., filed a concurring opinion, in which SOTOMAYOR, J., joined, *post*, p. 370. SOTOMAYOR, J., filed a concurring opinion, *post*, p. 370.

Douglas Laycock argued the cause for petitioner. With him on the briefs were *Eric C. Rassbach*, *Luke W. Goodrich*, *Mark L. Rienzi*, *Hannah C. Smith*, and *Asma T. Uddin*.

Anthony A. Yang argued the cause for the United States as *amicus curiae* urging reversal. With him on the brief were *Solicitor General Verrilli*, *Acting Assistant Attorney General Samuels*, *Deputy Solicitor General Gershengorn*, *Sarah E. Harrington*, *Mark L. Gross*, and *April J. Anderson*.

David A. Curran, Deputy Attorney General of Arkansas, argued the cause for respondents. With him on the brief

were *Dustin McDaniel*, Attorney General, and *Christine A. Cryer*, Senior Assistant Attorney General.*

JUSTICE ALITO delivered the opinion of the Court.

Petitioner Gregory Holt, also known as Abdul Maalik Muhammad, is an Arkansas inmate and a devout Muslim who wishes to grow a ½-inch beard in accordance with his reli-

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*Briefs of *amici curiae* urging reversal were filed for the American Jewish Committee et al. by *Marc D. Stern*, *Adam S. Lurie*, and *Samantha A. Dreilinger*; for Americans United for Separation of Church and State by *Evan M. Tager*, *Richard B. Katskee*, *James F. Tierney*, *Ayesha N. Khan*, and *Gregory M. Lipper*; for the Anti-Defamation League et al. by *Derek L. Shaffer*; for the International Mission Board of the Southern Baptist Convention et al. by *Brian R. Matsui*, *Derek Gaubatz*, and *Joel C. Haims*; for Islamic Law Scholars by *Christopher C. Lund*; for the National Congress of American Indians et al. by *Joel West Williams*, *Richard A. Guest*, *Steven C. Moore*, and *Gabriel S. Galanda*; for the National Jewish Commission on Law and Public Affairs et al. by *Nathan Lewin*, *Alyza D. Lewin*, and *Dennis Rapps*; for Prison Fellowship Ministries et al. by *Roger G. Brooks*; for The Rutherford Institute by *John W. Whitehead*, *Anand Agneshwar*, and *Anna K. Thompson*; for the Sikh Coalition and Muslim Public Affairs Council by *Mark E. Haddad* and *Collin P. Wedel*; for the Women's Prison Association by *James A. Sonne*; for John Clark et al. by *Jonathan L. Abram*, *Andrea W. Trento*, *Steven R. Shapiro*, *David Fathi*, *Daniel Mach*, and *Randall Marshall*; for Jesse Wiese et al. by *Matthew A. Fitzgerald*; for Former Prison Wardens by *Carolyn F. Corwin* and *Stephanie Hall Barclay*; and for Ronald L. Akers et al. by *Kelly Shackelford* and *Jeffrey C. Mateer*.

A brief of *amici curiae* urging affirmance was filed for the State of Alabama et al. by *Luther Strange*, Attorney General of Alabama, *Andrew L. Brasher*, Solicitor General, and *Megan A. Kirkpatrick*, Assistant Solicitor General, and by the Attorneys General for their respective States as follows: *Micheal C. Geraghty* of Alaska, *Tom Horne* of Arizona, *Sam Olens* of Georgia, *David Louie* of Hawaii, *Greg Zoeller* of Indiana, *Derek Schmidt* of Kansas, *Jim Hood* of Mississippi, *Tim Fox* of Montana, *Jon Bruning* of Nebraska, *Wayne Stenehjem* of North Dakota, *Scott Pruitt* of Oklahoma, *Kathleen G. Kane* of Pennsylvania, *Alan Wilson* of South Carolina, *Marty J. Jackley* of South Dakota, *Greg Abbott* of Texas, *Patrick Morrisey* of West Virginia, and *Peter K. Michael* of Wyoming.

David A. Cortman, *Kevin H. Theriot*, and *Erik W. Stanley* filed a brief for Alliance Defending Freedom as *amicus curiae*.

gious beliefs. Petitioner's objection to shaving his beard clashes with the Arkansas Department of Correction's grooming policy, which prohibits inmates from growing beards unless they have a particular dermatological condition. We hold that the Department's policy, as applied in this case, violates the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 114 Stat. 803, 42 U. S. C. § 2000cc *et seq.*, which prohibits a state or local government from taking any action that substantially burdens the religious exercise of an institutionalized person unless the government demonstrates that the action constitutes the least restrictive means of furthering a compelling governmental interest.

We conclude in this case that the Department's policy substantially burdens petitioner's religious exercise. Although we do not question the importance of the Department's interests in stopping the flow of contraband and facilitating prisoner identification, we do doubt whether the prohibition against petitioner's beard furthers its compelling interest about contraband. And we conclude that the Department has failed to show that its policy is the least restrictive means of furthering its compelling interests. We thus reverse the judgment of the United States Court of Appeals for the Eighth Circuit.

I

A

Congress enacted RLUIPA and its sister statute, the Religious Freedom Restoration Act of 1993 (RFRA), 107 Stat. 1488, 42 U. S. C. § 2000bb *et seq.*, "in order to provide very broad protection for religious liberty." *Burwell* v. *Hobby Lobby Stores, Inc.*, 573 U. S. 682, 693 (2014). RFRA was enacted three years after our decision in *Employment Div., Dept. of Human Resources of Ore.* v. *Smith*, 494 U. S. 872 (1990), which held that neutral, generally applicable laws that incidentally burden the exercise of religion usually do

not violate the Free Exercise Clause of the First Amendment. *Id.*, at 878–882. *Smith* largely repudiated the method of analysis used in prior free exercise cases like *Wisconsin* v. *Yoder*, 406 U. S. 205 (1972), and *Sherbert* v. *Verner*, 374 U. S. 398 (1963). In those cases, we employed a balancing test that considered whether a challenged government action that substantially burdened the exercise of religion was necessary to further a compelling state interest. See *Yoder*, *supra*, at 214, 219; *Sherbert*, *supra*, at 403, 406.

Following our decision in *Smith*, Congress enacted RFRA in order to provide greater protection for religious exercise than is available under the First Amendment. See *Hobby Lobby*, *supra*, at 694–695. RFRA provides that "[g]overnment shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability," unless the government "demonstrates that application of the burden to the person—(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." 42 U. S. C. §§ 2000bb–1(a), (b). In making RFRA applicable to the States and their subdivisions, Congress relied on Section 5 of the Fourteenth Amendment, but in *City of Boerne* v. *Flores*, 521 U. S. 507 (1997), this Court held that RFRA exceeded Congress' powers under that provision. *Id.*, at 532–536.

Congress responded to *City of Boerne* by enacting RLUIPA, which applies to the States and their subdivisions and invokes congressional authority under the Spending and Commerce Clauses. See § 2000cc–1(b). RLUIPA concerns two areas of government activity: Section 2 governs land-use regulation, § 2000cc; and Section 3—the provision at issue in this case—governs religious exercise by institutionalized persons, § 2000cc–1. Section 3 mirrors RFRA and provides that "[n]o government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution . . . even if the burden results from a rule

of general applicability, unless the government demonstrates that imposition of the burden on that person—(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." §2000cc–1(a). RLUIPA thus allows prisoners "to seek religious accommodations pursuant to the same standard as set forth in RFRA." *Gonzales* v. *O Centro Espírita Beneficente União do Vegetal*, 546 U. S. 418, 436 (2006).

Several provisions of RLUIPA underscore its expansive protection for religious liberty. Congress defined "religious exercise" capaciously to include "any exercise of religion, whether or not compelled by, or central to, a system of religious belief." §2000cc–5(7)(A). Congress mandated that this concept "shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter and the Constitution." §2000cc–3(g). And Congress stated that RLUIPA "may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise." §2000cc–3(c). See *Hobby Lobby*, *supra*, at 695–696, 730.

B

Petitioner, as noted, is in the custody of the Arkansas Department of Correction, and he objects on religious grounds to the Department's grooming policy, which provides that "[n]o inmates will be permitted to wear facial hair other than a neatly trimmed mustache that does not extend beyond the corner of the mouth or over the lip." App. to Brief for Petitioner 11a. The policy makes no exception for inmates who object on religious grounds, but it does contain an exemption for prisoners with medical needs: "Medical staff may prescribe that inmates with a diagnosed dermatological problem may wear facial hair no longer than one quarter of an inch." *Ibid.* The policy provides that "[f]ailure to abide by [the Department's] grooming standards is grounds for disciplinary action." *Id.*, at 12a.

Petitioner sought permission to grow a beard and, although he believes that his faith requires him not to trim his beard at all, he proposed a "compromise" under which he would grow only a ½-inch beard. App. 164. Prison officials denied his request, and the warden told him: "[Y]ou will abide by [Arkansas Department of Correction] policies and if you choose to disobey, you can suffer the consequences." No. 5:11–cv–00164 (ED Ark., July 21, 2011), Doc. 13, p. 6 (Letter from G. Lay to G. Holt (July 19, 2011)).

Petitioner filed a *pro se* complaint in Federal District Court challenging the grooming policy under RLUIPA. We refer to the respondent prison officials collectively as the Department. In October 2011, the District Court granted petitioner a preliminary injunction and remanded to a Magistrate Judge for an evidentiary hearing. At the hearing, the Department called two witnesses. Both expressed the belief that inmates could hide contraband in even a ½-inch beard, but neither pointed to any instances in which this had been done in Arkansas or elsewhere. Both witnesses also acknowledged that inmates could hide items in many other places, such as in the hair on their heads or their clothing. In addition, one of the witnesses—Gaylon Lay, the warden of petitioner's prison—testified that a prisoner who escaped could change his appearance by shaving his beard, and that a prisoner could shave his beard to disguise himself and enter a restricted area of the prison. Neither witness, however, was able to explain why these problems could not be addressed by taking a photograph of an inmate without a beard, a practice followed in other prison systems. Lay voiced concern that the Department would be unable to monitor the length of a prisoner's beard to ensure that it did not exceed one-half inch, but he acknowledged that the Department kept track of the length of the beards of those inmates who are allowed to wear a ¼-inch beard for medical reasons.

As a result of the preliminary injunction, petitioner had a short beard at the time of the hearing, and the Magistrate Judge commented: "I look at your particular circumstance

and I say, you know, it's almost preposterous to think that you could hide contraband in your beard." App. 155. Nevertheless, the Magistrate Judge recommended that the preliminary injunction be vacated and that petitioner's complaint be dismissed for failure to state a claim on which relief can be granted. The Magistrate Judge emphasized that "the prison officials are entitled to deference," *id.*, at 168, and that the grooming policy allowed petitioner to exercise his religion in other ways, such as by praying on a prayer rug, maintaining the diet required by his faith, and observing religious holidays.

The District Court adopted the Magistrate Judge's recommendation in full, and the Court of Appeals for the Eighth Circuit affirmed in a brief *per curiam* opinion, holding that the Department had satisfied its burden of showing that the grooming policy was the least restrictive means of furthering its compelling security interests. 509 Fed. Appx. 561 (2013). The Court of Appeals stated that "courts should ordinarily defer to [prison officials'] expert judgment" in security matters unless there is substantial evidence that a prison's response is exaggerated. *Id.*, at 562. And while acknowledging that other prisons allow inmates to maintain facial hair, the Eighth Circuit held that this evidence "does not outweigh deference owed to [the] expert judgment of prison officials who are more familiar with their own institutions." *Ibid.*

We entered an injunction pending resolution of petitioner's petition for writ of certiorari, 571 U. S. 1019 (2013), and we then granted certiorari, 571 U. S. 1236 (2014).

II

Under RLUIPA, petitioner bore the initial burden of proving that the Department's grooming policy implicates his religious exercise. RLUIPA protects "any exercise of religion, whether or not compelled by, or central to, a system of religious belief," § 2000cc–5(7)(A), but, of course, a prisoner's request for an accommodation must be sincerely based on a

religious belief and not some other motivation, see *Hobby Lobby*, 573 U. S., at 717, n. 28. Here, the religious exercise at issue is the growing of a beard, which petitioner believes is a dictate of his religious faith, and the Department does not dispute the sincerity of petitioner's belief.

In addition to showing that the relevant exercise of religion is grounded in a sincerely held religious belief, petitioner also bore the burden of proving that the Department's grooming policy substantially burdened that exercise of religion. Petitioner easily satisfied that obligation. The Department's grooming policy requires petitioner to shave his beard and thus to "engage in conduct that seriously violates [his] religious beliefs." *Id.*, at 720. If petitioner contravenes that policy and grows his beard, he will face serious disciplinary action. Because the grooming policy puts petitioner to this choice, it substantially burdens his religious exercise. Indeed, the Department does not argue otherwise.

The District Court reached the opposite conclusion, but its reasoning (adopted from the recommendation of the Magistrate Judge) misunderstood the analysis that RLUIPA demands. First, the District Court erred by concluding that the grooming policy did not substantially burden petitioner's religious exercise because "he had been provided a prayer rug and a list of distributors of Islamic material, he was allowed to correspond with a religious advisor, and was allowed to maintain the required diet and observe religious holidays." App. 177. In taking this approach, the District Court improperly imported a strand of reasoning from cases involving prisoners' First Amendment rights. See, *e. g.*, *O'Lone* v. *Estate of Shabazz*, 482 U. S. 342, 351–352 (1987); see also *Turner* v. *Safley*, 482 U. S. 78, 90 (1987). Under those cases, the availability of alternative means of practicing religion is a relevant consideration, but RLUIPA provides greater protection. RLUIPA's "substantial burden" inquiry asks whether the government has substantially bur-

dened religious exercise (here, the growing of a ½-inch beard), not whether the RLUIPA claimant is able to engage in other forms of religious exercise.

Second, the District Court committed a similar error in suggesting that the burden on petitioner's religious exercise was slight because, according to petitioner's testimony, his religion would "credit" him for attempting to follow his religious beliefs, even if that attempt proved to be unsuccessful. RLUIPA, however, applies to an exercise of religion regardless of whether it is "compelled." § 2000cc–5(7)(A).

Finally, the District Court went astray when it relied on petitioner's testimony that not all Muslims believe that men must grow beards. Petitioner's belief is by no means idiosyncratic. See Brief for Islamic Law Scholars as *Amici Curiae* 2 ("hadith requiring beards . . . are widely followed by observant Muslims across the various schools of Islam"). But even if it were, the protection of RLUIPA, no less than the guarantee of the Free Exercise Clause, is "not limited to beliefs which are shared by all of the members of a religious sect." *Thomas* v. *Review Bd. of Indiana Employment Security Div.*, 450 U. S. 707, 715–716 (1981).

III

Since petitioner met his burden of showing that the Department's grooming policy substantially burdened his exercise of religion, the burden shifted to the Department to show that its refusal to allow petitioner to grow a ½-inch beard "(1) [was] in furtherance of a compelling governmental interest; and (2) [was] the least restrictive means of furthering that compelling governmental interest." § 2000cc–1(a).

The Department argues that its grooming policy represents the least restrictive means of furthering a "'broadly formulated interes[t],'" *Hobby Lobby*, *supra*, at 726 (quoting *O Centro*, 546 U. S., at 431), namely, the Department's compelling interest in prison safety and security. But RLUIPA,

like RFRA, contemplates a "'more focused'" inquiry and "'requires the Government to demonstrate that the compelling interest test is satisfied through application of the challenged law "to the person"—the particular claimant whose sincere exercise of religion is being substantially burdened.'" *Hobby Lobby*, *supra*, at 726 (quoting *O Centro*, *supra*, at 430–431, in turn quoting § 2000bb–1(b)). RLUIPA requires us to "'scrutiniz[e] the asserted harm of granting specific exemptions to particular religious claimants'" and "to look to the marginal interest in enforcing" the challenged government action in that particular context. *Hobby Lobby*, *supra*, at 726–727 (quoting *O Centro*, *supra*, at 431; alteration in original). In this case, that means the enforcement of the Department's policy to prevent petitioner from growing a ½-inch beard.

The Department contends that enforcing this prohibition is the least restrictive means of furthering prison safety and security in two specific ways.

A

The Department first claims that the no-beard policy prevents prisoners from hiding contraband. The Department worries that prisoners may use their beards to conceal all manner of prohibited items, including razors, needles, drugs, and cellular phone subscriber identity module (SIM) cards.

We readily agree that the Department has a compelling interest in staunching the flow of contraband into and within its facilities, but the argument that this interest would be seriously compromised by allowing an inmate to grow a ½-inch beard is hard to take seriously. As noted, the Magistrate Judge observed that it was "almost preposterous to think that [petitioner] could hide contraband" in the short beard he had grown at the time of the evidentiary hearing. App. 155. An item of contraband would have to be very small indeed to be concealed by a ½-inch beard, and a prisoner seeking to hide an item in such a short beard would

have to find a way to prevent the item from falling out. Since the Department does not demand that inmates have shaved heads or short crew cuts, it is hard to see why an inmate would seek to hide contraband in a ½-inch beard rather than in the longer hair on his head.

Although the Magistrate Judge dismissed the possibility that contraband could be hidden in a short beard, the Magistrate Judge, the District Court, and the Court of Appeals all thought that they were bound to defer to the Department's assertion that allowing petitioner to grow such a beard would undermine its interest in suppressing contraband. RLUIPA, however, does not permit such unquestioning deference. RLUIPA, like RFRA, "makes clear that it is the obligation of the courts to consider whether exceptions are required under the test set forth by Congress." *O Centro*, s*upra*, at 434. That test requires the Department not merely to explain why it denied the exemption but to prove that denying the exemption is the least restrictive means of furthering a compelling governmental interest. Prison officials are experts in running prisons and evaluating the likely effects of altering prison rules, and courts should respect that expertise. But that respect does not justify the abdication of the responsibility, conferred by Congress, to apply RLUIPA's rigorous standard. And without a degree of deference that is tantamount to unquestioning acceptance, it is hard to swallow the argument that denying petitioner a ½-inch beard actually furthers the Department's interest in rooting out contraband.

Even if the Department could make that showing, its contraband argument would still fail because the Department cannot show that forbidding very short beards is the least restrictive means of preventing the concealment of contraband. "The least-restrictive-means standard is exceptionally demanding," and it requires the government to "sho[w] that it lacks other means of achieving its desired goal without imposing a substantial burden on the exercise of religion

by the objecting part[y]." *Hobby Lobby*, 573 U. S., at 728. "[I]f a less restrictive means is available for the Government to achieve its goals, the Government must use it." *United States* v. *Playboy Entertainment Group, Inc.*, 529 U. S. 803, 815 (2000).

The Department failed to establish that it could not satisfy its security concerns by simply searching petitioner's beard. The Department already searches prisoners' hair and clothing, and it presumably examines the ¼-inch beards of inmates with dermatological conditions. It has offered no sound reason why hair, clothing, and ¼-inch beards can be searched but ½-inch beards cannot. The Department suggests that requiring guards to search a prisoner's beard would pose a risk to the physical safety of a guard if a razor or needle was concealed in the beard. But that is no less true for searches of hair, clothing, and ¼-inch beards. And the Department has failed to prove that it could not adopt the less restrictive alternative of having the prisoner run a comb through his beard. For all these reasons, the Department's interest in eliminating contraband cannot sustain its refusal to allow petitioner to grow a ½-inch beard.

B

The Department contends that its grooming policy is necessary to further an additional compelling interest, *i. e.*, preventing prisoners from disguising their identities. The Department tells us that the no-beard policy allows security officers to identify prisoners quickly and accurately. It claims that bearded inmates could shave their beards and change their appearance in order to enter restricted areas within the prison, to escape, and to evade apprehension after escaping.

We agree that prisons have a compelling interest in the quick and reliable identification of prisoners, and we acknowledge that any alteration in a prisoner's appearance, such as by shaving a beard, might, in the absence of effective

countermeasures, have at least some effect on the ability of guards or others to make a quick identification. But even if we assume for present purposes that the Department's grooming policy sufficiently furthers its interest in the identification of prisoners, that policy still violates RLUIPA as applied in the circumstances present here. The Department contends that a prisoner who has a beard when he is photographed for identification purposes might confuse guards by shaving his beard. But as petitioner has argued, the Department could largely solve this problem by requiring that all inmates be photographed without beards when first admitted to the facility and, if necessary, periodically thereafter. Once that is done, an inmate like petitioner could be allowed to grow a short beard and could be photographed again when the beard reached the ½-inch limit. Prison guards would then have a bearded and clean-shaven photo to use in making identifications. In fact, the Department (like many other States, see Brief for Petitioner 39) already has a policy of photographing a prisoner both when he enters an institution and when his "appearance changes at any time during [his] incarceration." Arkansas Department of Correction, Inmate Handbook 3–4 (rev. Jan. 2013).

The Department argues that the dual-photo method is inadequate because, even if it might help authorities apprehend a bearded prisoner who escapes and then shaves his beard once outside the prison, this method is unlikely to assist guards when an inmate quickly shaves his beard in order to alter his appearance within the prison. The Department contends that the identification concern is particularly acute at petitioner's prison, where inmates live in barracks and work in fields. Counsel for the Department suggested at oral argument that a prisoner could gain entry to a restricted area by shaving his beard and swapping identification cards with another inmate while out in the fields. Tr. of Oral Arg. 28–30, 39–43.

We are unpersuaded by these arguments for at least two reasons. First, the Department failed to show, in the face of petitioner's evidence, that its prison system is so different from the many institutions that allow facial hair that the dual-photo method cannot be employed at its institutions. Second, the Department failed to establish why the risk that a prisoner will shave a ½-inch beard to disguise himself is so great that ½-inch beards cannot be allowed, even though prisoners are allowed to grow mustaches, head hair, or ¼-inch beards for medical reasons. All of these could also be shaved off at a moment's notice, but the Department apparently does not think that this possibility raises a serious security concern.

C

In addition to its failure to prove that petitioner's proposed alternatives would not sufficiently serve its security interests, the Department has not provided an adequate response to two additional arguments that implicate the RLUIPA analysis.

First, the Department has not adequately demonstrated why its grooming policy is substantially underinclusive in at least two respects. Although the Department denied petitioner's request to grow a ½-inch beard, it permits prisoners with a dermatological condition to grow ¼-inch beards. The Department does this even though both beards pose similar risks. And the Department permits inmates to grow more than one-half inch of hair on their heads. With respect to hair length, the grooming policy provides only that hair must be worn "above the ear" and "no longer in the back than the middle of the nape of the neck." App. to Brief for Petitioner 11a. Hair on the head is a more plausible place to hide contraband than a ½-inch beard—and the same is true of an inmate's clothing and shoes. Nevertheless, the Department does not require inmates to go about bald, barefoot, or naked. Although the Department's proclaimed objectives are to stop

the flow of contraband and to facilitate prisoner identification, "[t]he proffered objectives are not pursued with respect to analogous nonreligious conduct," which suggests that "those interests could be achieved by narrower ordinances that burdened religion to a far lesser degree." *Church of Lukumi Babalu Aye, Inc.* v. *Hialeah*, 508 U. S. 520, 546 (1993).

In an attempt to demonstrate why its grooming policy is underinclusive in these respects, the Department emphasizes that petitioner's ½-inch beard is longer than the ¼-inch beard allowed for medical reasons. But the Department has failed to establish (and the District Court did not find) that a ¼-inch difference in beard length poses a meaningful increase in security risk. The Department also asserts that few inmates require beards for medical reasons while many may request beards for religious reasons. But the Department has not argued that denying petitioner an exemption is necessary to further a compelling interest in cost control or program administration. At bottom, this argument is but another formulation of the "classic rejoinder of bureaucrats throughout history: If I make an exception for you, I'll have to make one for everybody, so no exceptions." *O Centro*, 546 U. S., at 436. We have rejected a similar argument in analogous contexts, see *ibid.*; *Sherbert*, 374 U. S., at 407, and we reject it again today.

Second, the Department failed to show, in the face of petitioner's evidence, why the vast majority of States and the Federal Government permit inmates to grow ½-inch beards, either for any reason or for religious reasons, but it cannot. See Brief for Petitioner 24–25; Brief for United States as *Amicus Curiae* 28–29. "While not necessarily controlling, the policies followed at other well-run institutions would be relevant to a determination of the need for a particular type of restriction." *Procunier* v. *Martinez*, 416 U. S. 396, 414, n. 14 (1974). That so many other prisons allow inmates to grow beards while ensuring prison safety and security sug-

gests that the Department could satisfy its security concerns through a means less restrictive than denying petitioner the exemption he seeks.

We do not suggest that RLUIPA requires a prison to grant a particular religious exemption as soon as a few other jurisdictions do so. But when so many prisons offer an accommodation, a prison must, at a minimum, offer persuasive reasons why it believes that it must take a different course, and the Department failed to make that showing here. Despite this, the courts below deferred to these prison officials' mere say-so that they could not accommodate petitioner's request. RLUIPA, however, demands much more. Courts must hold prisons to their statutory burden, and they must not "assume a plausible, less restrictive alternative would be ineffective." *Playboy Entertainment*, 529 U. S., at 824.

We emphasize that although RLUIPA provides substantial protection for the religious exercise of institutionalized persons, it also affords prison officials ample ability to maintain security. We highlight three ways in which this is so. First, in applying RLUIPA's statutory standard, courts should not blind themselves to the fact that the analysis is conducted in the prison setting. Second, if an institution suspects that an inmate is using religious activity to cloak illicit conduct, "prison officials may appropriately question whether a prisoner's religiosity, asserted as the basis for a requested accommodation, is authentic." *Cutter* v. *Wilkinson*, 544 U. S. 709, 725, n. 13 (2005). See also *Hobby Lobby*, 573 U. S., at 717, n. 28. Third, even if a claimant's religious belief is sincere, an institution might be entitled to withdraw an accommodation if the claimant abuses the exemption in a manner that undermines the prison's compelling interests.

IV

In sum, we hold that the Department's grooming policy violates RLUIPA insofar as it prevents petitioner from growing a ½-inch beard in accordance with his religious be-

liefs. The judgment of the United States Court of Appeals for the Eighth Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

JUSTICE GINSBURG, with whom JUSTICE SOTOMAYOR joins, concurring.

Unlike the exemption this Court approved in *Burwell* v. *Hobby Lobby Stores, Inc.*, 573 U. S. 682 (2014), accommodating petitioner's religious belief in this case would not detrimentally affect others who do not share petitioner's belief. See *id.*, at 740, 745–746, and n. 8, 764 (GINSBURG, J., dissenting). On that understanding, I join the Court's opinion.

JUSTICE SOTOMAYOR, concurring.

I concur in the Court's opinion, which holds that the Department failed to show why the less restrictive alternatives identified by petitioner in the course of this litigation were inadequate to achieve the Department's compelling security-related interests. I write separately to explain my understanding of the applicable legal standard.

Nothing in the Court's opinion calls into question our prior holding in *Cutter* v. *Wilkinson*, 544 U. S. 709 (2005), that "[c]ontext matters" in the application of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 114 Stat. 803, 42 U. S. C. § 2000cc *et seq.* 544 U. S., at 723 (internal quotation marks omitted). In the dangerous prison environment, "regulations and procedures" are needed to "maintain good order, security and discipline, consistent with consideration of costs and limited resources." *Ibid.* Of course, that is not to say that cost alone is an absolute defense to an otherwise meritorious RLUIPA claim. See § 2000cc–3(c). Thus, we recognized "that prison security is a compelling state interest, and that deference is due to institutional officials' expertise in this area." *Id.*, at 725, n. 13.

I do not understand the Court's opinion to preclude deferring to prison officials' reasoning when that deference is due—that is, when prison officials offer a plausible explanation for their chosen policy that is supported by whatever evidence is reasonably available to them. But the deference that must be "extend[ed to] the experience and expertise of prison administrators does not extend so far that prison officials may declare a compelling governmental interest by fiat." *Yellowbear* v. *Lampert*, 741 F. 3d 48, 59 (CA10 2014). Indeed, prison policies "'grounded on mere speculation'" are exactly the ones that motivated Congress to enact RLUIPA. 106 Cong. Rec. 16699 (2000) (quoting S. Rep. No. 103–111, p. 10 (1993)).

Here, the Department's failure to demonstrate why the less restrictive policies petitioner identified in the course of the litigation were insufficient to achieve its compelling interests—not the Court's independent judgment concerning the merit of these alternative approaches—is ultimately fatal to the Department's position. The Court is appropriately skeptical of the relationship between the Department's no-beard policy and its alleged compelling interests because the Department offered little more than unsupported assertions in defense of its refusal of petitioner's requested religious accommodation. RLUIPA requires more.

One final point bears emphasis. RLUIPA requires institutions refusing an accommodation to demonstrate that the policy it defends "is the least restrictive means of furthering [the alleged] compelling . . . interest[s]." § 2000cc–1(a)(2); see also *Washington* v. *Klem*, 497 F. 3d 272, 284 (CA3 2007) ("[T]he phrase 'least restrictive means' is, by definition, a relative term. It necessarily implies a comparison with other means"); *Couch* v. *Jabe*, 679 F. 3d 197, 203 (CA4 2012) (same). But nothing in the Court's opinion suggests that prison officials must refute every conceivable option to satisfy RLUIPA's least restrictive means requirement. Nor does it intimate that officials must prove that they consid-

ered less restrictive alternatives at a particular point in time. Instead, the Court correctly notes that the Department inadequately responded to the less restrictive policies that petitioner brought to the Department's attention during the course of the litigation, including the more permissive policies used by the prisons in New York and California. See, *e. g.*, *United States* v. *Wilgus*, 638 F. 3d 1274, 1289 (CA10 2011) (observing in the analogous context of the Religious Freedom Restoration Act of 1993 that the government need not "do the impossible—refute each and every conceivable alternative regulation scheme" but need only "refute the alternative schemes offered by the challenger").

Because I understand the Court's opinion to be consistent with the foregoing, I join it.

Per Curiam

CHRISTESON *v.* ROPER, WARDEN

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

No. 14–6873. Decided January 20, 2015

The District Court appointed attorneys Horwitz and Butts to represent petitioner Christeson, an indigent capital defendant, in his federal habeas proceeding. However, Horwitz and Butts failed to meet with Christeson until six weeks after the petition was due under the Antiterrorism and Effective Death Penalty Act of 1996, and ultimately filed the petition over 100 days late. The District Court dismissed the petition as untimely, and the Eighth Circuit denied a certificate of appealability. Nearly seven years later, Horwitz and Butts contacted attorneys Merrigan and Perkovich for advice on how to proceed. Recognizing that Horwitz and Butts were conflicted, Merrigan and Perkovich twice sought to have themselves substituted as counsel in Christeson's case, but each time their motion was rejected by the District Court and the Eighth Circuit.

Held: In denying the motions for substitution of counsel, the courts below failed to properly consider the factors set out in *Martel* v. *Clair*, 565 U. S. 648, for evaluating whether substitution would serve the " 'interests of justice,' " *id.*, at 663. Although the District Court recognized the governing standard, it did not properly account for all of the factors set forth in *Clair*. Principally, the court failed to acknowledge that a "significant conflict of interest" arises when an attorney's "interest in avoiding damage to [his] own reputation" is at odds with his client's "strongest argument—*i. e.*, that his attorneys had abandoned him." *Maples* v. *Thomas*, 565 U. S. 266, 285–286, n. 8. Here, Horwitz and Butts could advance the claim that Christeson was entitled to tolling based on their failure to timely file his petition only by denigrating their own performance. *Clair* makes clear that a conflict of this sort is grounds for substitution. And given that conflict of interest, the other considerations relied upon by the District Court do not warrant denial of substitution.

Certiorari granted; reversed and remanded.

PER CURIAM.

Petitioner Mark Christeson's first federal habeas petition was dismissed as untimely. Because his appointed attorneys—who had missed the filing deadline—could not be ex-

pected to argue that Christeson was entitled to the equitable tolling of the statute of limitations, Christeson requested substitute counsel who would not be laboring under a conflict of interest. The District Court denied the motion, and the Court of Appeals for the Eighth Circuit summarily affirmed. In so doing, these courts contravened our decision in *Martel* v. *Clair*, 565 U. S. 648 (2012). Christeson's petition for certiorari is therefore granted, the judgment of the Eighth Circuit is reversed, and the case is remanded for further proceedings.

I

In 1999, a jury convicted Christeson of three counts of capital murder. It returned verdicts of death on all three counts. The Missouri Supreme Court affirmed Christeson's conviction and sentence in 2001, *State* v. *Christeson*, 50 S. W. 3d 251, and affirmed the denial of his postconviction motion for relief in 2004, *Christeson* v. *State*, 131 S. W. 3d 796.

Under the strict 1-year statute of limitations imposed by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 28 U. S. C. §2244(d)(1), Christeson's federal habeas petition was due on April 10, 2005. Nine months before this critical deadline, the District Court appointed attorneys Phil Horwitz and Eric Butts to represent Christeson in his federal habeas proceedings. See 18 U. S. C. §3599(a)(2) (providing for appointment of counsel for state death row inmates).

Horwitz and Butts, as they have subsequently acknowledged, failed to meet with Christeson until more than six weeks *after* his petition was due. See App. to Pet. for Cert. 93a. There is no evidence that they communicated with their client at all during this time. They finally filed the petition on August 5, 2005—117 days too late. They have since claimed that their failure to meet with their client and timely file his habeas petition resulted from a simple miscalculation of the AEDPA limitations period (and in defending themselves, they may have disclosed privileged client com-

munications). See *id.*, at 90a–92a, 135a. But a legal ethics expert, reviewing counsel's handling of Christeson's habeas petition, stated in a report submitted to the District Court: "[I]f this was not abandonment, I am not sure what would be." *Id.*, at 132a.

The District Court dismissed the petition as untimely, and the Court of Appeals denied Christeson's application for a certificate of appealability. Christeson, who appears to have severe cognitive disabilities that lead him to rely entirely on his attorneys, may not have been aware of this dismissal. See *id.*, at 229a, 231a, 237a.

Nearly seven years later, Horwitz and Butts contacted attorneys Jennifer Merrigan and Joseph Perkovich to discuss how to proceed in Christeson's case. Merrigan and Perkovich immediately noticed a glaring problem. Christeson's only hope for securing review of the merits of his habeas claims was to file a motion under Federal Rule of Civil Procedure 60(b) seeking to reopen final judgment on the ground that AEDPA's statute of limitations should have been equitably tolled. But Horwitz and Butts could not be expected to file such a motion on Christeson's behalf, as any argument for equitable tolling would be premised on their own malfeasance in failing to file timely the habeas petition. While initially receptive to Merrigan and Perkovich's assistance, Horwitz and Butts soon refused to allow outside counsel access to their files. See App. to Pet. for Cert. 345a.

On May 23, 2014, Merrigan and Perkovich filed a motion for substitution of counsel. The District Court denied the motion, explaining only that it was "not in [Christeson's] best interest to be represented by attorneys located in New York and Pennsylvania," as Merrigan and Perkovich are. *Id.*, at 169a. The District Court did not address Merrigan and Perkovich's offer to forgo all fees and expenses associated with travel to Missouri, nor did it address the possibility of appointing other attorneys for Christeson.

Christeson appealed. The Eighth Circuit dismissed for lack of jurisdiction, apparently reasoning that Merrigan and Perkovich were not authorized to file an appeal on Christeson's behalf.* On September 19, 2014, while this appeal was still pending before the Eighth Circuit, the Missouri Supreme Court issued a warrant of execution setting October 29, 2014, as Christeson's execution date.

After further proceedings not relevant here, Merrigan and Perkovich again filed a motion for substitution of counsel on Christeson's behalf. The District Court again denied the motion. Explaining that substitution of "federally-appointed counsel is warranted only when it would serve the interests of justice," it offered four reasons for its decision. Order in No. 04–CV–08004 (WD Mo., Oct. 22, 2014), p. 1, App. to Pet. for Cert. 375a (quoting *Lambrix* v. *Secretary, Florida Dept. of Corrections*, 756 F. 3d 1246, 1259 (CA11 2014); internal quotation marks omitted). First, it deemed the motion to be untimely because it "was not filed until 2014, and shortly before [Christeson's] execution date." App. to Pet. for Cert. 375a. Second, it observed that Horwitz and Butts had not "abandoned" Christeson, as they had recently appeared on his behalf in a class-action lawsuit challenging Missouri's lethal injection protocol. *Id.*, at 376a. Third, it noted that although Horwitz and Butts had represented Christeson before the Eighth Circuit, that court had not appointed substitute counsel. *Ibid.* Fourth and finally, the District Court expressed its belief that granting the motion would set "an untenable precedent" by allowing outside attorneys to seek "'abusive'" delays in capital cases. *Ibid.*

Christeson again appealed. This time, the Eighth Circuit summarily affirmed the District Court's order. We stayed Christeson's execution, see *post*, p. 968, and now reverse.

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*Christeson has since submitted a signed retainer agreement with Merrigan and Perkovich that removes any doubt on that score.

II

Title 18 U. S. C. § 3599 "entitles indigent defendants to the appointment of counsel in capital cases, including habeas corpus proceedings." *Martel* v. *Clair*, 565 U. S., at 652. "By providing indigent capital defendants with a mandatory right to qualified legal counsel in these proceedings, Congress has recognized that federal habeas corpus has a particularly important role to play in promoting fundamental fairness in the imposition of the death penalty." *McFarland* v. *Scott*, 512 U. S. 849, 859 (1994). Congress has not, however, conferred capital habeas petitioners with the right to counsel of their choice. Instead, the statute leaves it to the court to select a properly qualified attorney. See §§ 3599(a)–(d). But the statute contemplates that a court may "replace" appointed counsel with "similarly qualified counsel . . . upon motion" of the petitioner. § 3599(e).

We addressed the standard that a court should apply in considering such a motion in *Clair*. We rejected the argument that substitution of an appointed lawyer is warranted in only three situations: "when the lawyer lacks the qualifications necessary for appointment . . . ; when he has a disabling conflict of interest; or when he has completely abandoned the client." 565 U. S., at 658 (internal quotation marks omitted). Instead, we adopted a broader standard, holding that a motion for substitution should be granted when it is in the "'interests of justice.'" *Id.*, at 663. We further explained that the factors a court of appeals should consider in determining whether a district court abused its discretion in denying such a motion "include: the timeliness of the motion; the adequacy of the district court's inquiry into the defendant's complaint; and the asserted cause for that complaint, including the extent of the conflict or breakdown in communication between lawyer and client (and the client's responsibility, if any, for that conflict)." *Ibid.*

The District Court here properly recognized that its consideration of Christeson's motion for substitution was governed by *Clair*'s "interests of justice" standard. But its denial of his motion did not adequately account for all of the factors we set forth in *Clair*.

The court's principal error was its failure to acknowledge Horwitz and Butts' conflict of interest. Tolling based on counsel's failure to satisfy AEDPA's statute of limitations is available only for "serious instances of attorney misconduct." *Holland* v. *Florida*, 560 U. S. 631, 651–652 (2010). Advancing such a claim would have required Horwitz and Butts to denigrate their own performance. Counsel cannot reasonably be expected to make such an argument, which threatens their professional reputation and livelihood. See Restatement (Third) of Law Governing Lawyers § 125 (1998). Thus, as we observed in a similar context in *Maples* v. *Thomas*, 565 U. S. 266, 285–286, n. 8 (2012), a "significant conflict of interest" arises when an attorney's "interest in avoiding damage to [his] own reputation" is at odds with his client's "strongest argument—*i. e.*, that his attorneys had abandoned him."

Indeed, to their credit, Horwitz and Butts acknowledged the nature of their conflict. Shortly before the first motion for substitution was filed, they provided an update to the Missouri Supreme Court on the status of Christeson's collateral proceedings. In it, they stated:

> "Because counsel herein would be essential witnesses to factual questions indispensable to a *Holland* inquiry, there may be ethical and legal conflicts that would arise that would prohibit counsel from litigating issues that would support a *Holland* claim. Unwaivable ethical and legal conflicts prohibit undersigned counsel from litigating these issues in any way. *See Holloway* v. *Arkansas*, 435 U. S. 475, 485–486 (1978). Conflict free

counsel must be appointed to present the equitable tolling question in federal district court." App. to Pet. for Cert. 48a–49a.

Yet, in their response to the District Court's order to address the substitution motion, Horwitz and Butts characterized the potential arguments in favor of equitable tolling as "ludicrous," and asserted that they had "a legal basis and rationale for the [erroneous] calculation of the filing date." *Id.*, at 86a, 90a. While not every case in which a counseled habeas petitioner has missed AEDPA's statute of limitations will necessarily involve a conflict of interest, Horwitz and Butts' contentions here were directly and concededly contrary to their client's interest, and manifestly served their own professional and reputational interests.

Clair makes clear that a conflict of this sort is grounds for substitution. Even the narrower standard we rejected in that case would have allowed for substitution where an attorney has a " 'disabling conflict of interest.' " 565 U. S., at 658. And that standard, we concluded, would "gu[t]" the specific substitution-of-counsel clause contained in § 3599(e), which must contemplate the granting of such motions in circumstances beyond those where a petitioner effectively "has no counsel at all"—as is the case when counsel is conflicted. *Id.*, at 661. Indeed, we went so far as to say that given a capital defendant's "statutory right to counsel," even "in the absence" of § 3599(e) a district court would be compelled "to appoint new counsel if the first lawyer developed a conflict." *Ibid.*

Given the obvious conflict of interest here, the considerations relied upon by the District Court cannot justify its decision to deny petitioner new counsel. The second and third factors noted by the District Court—that appointed counsel continued to represent Christeson in litigation challenging the means of his execution, and that the Eighth Circuit had not previously substituted counsel—are not substantial.

Whether Horwitz and Butts had currently "abandoned" Christeson is beside the point: Even if they were actively representing him in some matters, their conflict prevented them from representing him in this particular matter. Likewise, it is irrelevant that the Eighth Circuit had not previously *sua sponte* directed substitution of counsel in the course of denying Christeson's request for a certificate of appealability and adjudicating his challenge to Missouri's execution protocol, when the conflict was not evident.

The first and fourth factors cited by the District Court—the delay in seeking substitution and the potential for abuse—might be valid considerations in many cases. See *Clair*, 565 U. S., at 662 ("Protecting against abusive delay *is* an interest of justice"). But under the circumstances here, these factors alone cannot warrant denial of substitution. Christeson's first substitution motion, while undoubtedly delayed, was not abusive. It was filed approximately a month after outside counsel became aware of Christeson's plight and well before the State had set an execution date, and it requested only 90 days to investigate and file a Rule 60(b) motion.

Nor is it plain that any subsequent motion that substitute counsel might file on Christeson's behalf would be futile. See *id.*, at 663–666 (affirming denial of substitution motion as untimely where any filing made by substitute counsel would have been futile). To be sure, Christeson faces a host of procedural obstacles to having a federal court consider his habeas petition. Although Christeson might properly raise a claim for relief pursuant to Rule 60(b), see *Gonzalez* v. *Crosby*, 545 U. S. 524, 535–536 (2005), to obtain such relief he must demonstrate both the motion's timeliness and, more significant here, that " 'extraordinary circumstances' justif[y] the reopening of a final judgment." *Id.*, at 535 (quoting *Ackermann* v. *United States*, 340 U. S. 193, 199 (1950)). That, in turn, will require Christeson to show that he was entitled to the equitable tolling of AEDPA's statute of limitations.

He should have that opportunity, and is entitled to the assistance of substitute counsel in doing so.

* * *

The petition for certiorari and the motion to proceed *in forma pauperis* are granted. The judgment of the Court of Appeals for the Eighth Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

JUSTICE ALITO, with whom JUSTICE THOMAS joins, dissenting.

I would not reverse the judgment of the Court of Appeals in this case without briefing and argument. As the Court acknowledges, petitioner cannot obtain review of the merits of his federal habeas claims without showing that the applicable statute of limitations should have been equitably tolled, *ante*, at 375, and the availability of equitable tolling in cases governed by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) is a question of great importance.

AEDPA sought to ameliorate the lengthy delay that had often characterized federal habeas proceedings in the past.* See *Woodford* v. *Garceau*, 538 U. S. 202, 206 (2003) ("Congress enacted AEDPA to reduce delays in the execution of state and federal criminal sentences, particularly in capital cases"). AEDPA thus imposed a strict 1-year time limit for filing a federal habeas petition. 28 U. S. C. § 2244(d). If this 1-year period were equitably tolled whenever a habeas petitioner's attorney missed the deadline and thus rendered ineffective assistance, the 1-year period would be of little value, and the days of seemingly interminable federal habeas

*Members of this Court have lamented the delay that often occurs in capital cases. *Johnson* v. *Bredesen*, 558 U. S. 1067, 1067–1070 (2009) (Stevens, J., statement respecting denial of certiorari); *Elledge* v. *Florida*, 525 U. S. 944, 944–946 (1998) (BREYER, J., dissenting from denial of certiorari).

review would return. In *Holland*, the Court held that the AEDPA statute of limitations may be equitably tolled—but only under quite extraordinary circumstances. *Holland* v. *Florida*, 560 U. S. 631, 651–652 (2010). Any expansion or further delineation of such circumstances should not be undertaken without the careful consideration that is possible only after the normal procedure of full briefing and argument.

The Court believes that briefing and argument are not necessary in this case, and my understanding of the Court's decision is that it expresses no view whatsoever on the question whether petitioner may ultimately be entitled to equitable tolling. I understand the Court to hold only that conflict-free substitute counsel should have been appointed for the purposes of investigating the facts related to the issue of equitable tolling and presenting whatever argument can be mounted in support of a request for that relief.

Based on the present record, it is not clear that this case involves anything other than an error, albeit a serious one, on the part of the attorneys who represented petitioner at the time when his federal habeas petition was due to be filed. According to those attorneys, they miscalculated the due date and as a result filed the petition after the time had run. They met with petitioner to discuss the habeas petition prior to the date on which they say they thought the petition was due but after the date on which it was actually due. These facts show nothing more than attorney error and thus fall short of establishing the kind of abandonment that is needed for equitable tolling under our precedent. See *ibid.* I do not understand the Court's opinion to hold otherwise.

Because of the close relationship between the question that the Court decides (the propriety of the District Court's refusal to appoint substitute counsel) and the question of petitioner's entitlement to equitable tolling, I think that plenary review would have been more appropriate in this case. I write separately to emphasize that the Court's summary disposition does not address that issue.

Syllabus

DEPARTMENT OF HOMELAND SECURITY *v.* MacLEAN

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 13–894. Argued November 4, 2014—Decided January 21, 2015

In 2002, Congress enacted the Homeland Security Act, 116 Stat. 2135. That Act provides that the Transportation Security Administration (TSA) "shall prescribe regulations prohibiting the disclosure of information . . . if the Under Secretary decides that disclosur[e] would . . . be detrimental to the security of transportation." 49 U. S. C. § 114(r)(1)(C). Around the same time, the TSA promulgated regulations prohibiting the unauthorized disclosure of "sensitive security information," 67 Fed. Reg. 8351, which included "[s]pecific details of aviation security measures . . . [such as] information concerning specific numbers of Federal Air Marshals, deployments or missions, and the methods involved in such operations," 49 CFR § 1520.7(j).

In July 2003, the TSA briefed all federal air marshals—including Robert J. MacLean—about a potential plot to hijack passenger flights. A few days after the briefing, MacLean received from the TSA a text message canceling all overnight missions from Las Vegas until early August. MacLean, who was stationed in Las Vegas, believed that canceling those missions during a hijacking alert was dangerous and illegal. He therefore contacted a reporter and told him about the TSA's decision to cancel the missions. After discovering that MacLean was the source of the disclosure, the TSA fired him for disclosing sensitive security information without authorization.

MacLean challenged his firing before the Merit Systems Protection Board. He argued that his disclosure was whistleblowing activity under 5 U. S. C. § 2302(b)(8)(A), which protects employees who disclose information that reveals "any violation of any law, rule, or regulation," or "a substantial and specific danger to public health or safety." The Board held that MacLean did not qualify for protection under that statute because his disclosure was "specifically prohibited by law," § 2302(b)(8)(A)—namely, by 49 U. S. C. § 114(r)(1). The Court of Appeals for the Federal Circuit vacated the Board's decision, holding that Section 114(r)(1) was not a prohibition.

Held: MacLean's disclosure was not "specifically prohibited by law." Pp. 390–400.

Syllabus

(a) The Government argues that MacLean's disclosure was "specifically prohibited by law" in two ways: first, by the TSA's regulations on sensitive security information, and second, by Section 114(r)(1) itself, which authorized the TSA to promulgate those regulations. Pp. 390–398.

(i) MacLean's disclosure was not prohibited by the TSA's regulations for purposes of Section 2302(b)(8)(A) because regulations do not qualify as "law" under that statute. Throughout Section 2302, Congress repeatedly used the phrase "law, rule, or regulation." But Congress did not use that phrase in the statutory language at issue here; it used the word "law" standing alone. Congress's choice to say "specifically prohibited by law," instead of "specifically prohibited by law, rule, or regulation," suggests that Congress meant to exclude rules and regulations. In addition, Section 2302(b)(8)(A) creates a second exception for disclosures "required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs." That the second exception is limited to actions by the President himself suggests that the first exception does not include action taken by executive agencies. Finally, interpreting the word "law" to include rules and regulations could defeat the purpose of the whistleblower statute. That interpretation would allow an agency to insulate itself from Section 2302(b)(8)(A) simply by promulgating a regulation that "specifically prohibited" all whistleblowing.

The Government proposes two alternative interpretations, but neither is persuasive. First, the Government argues that the word "law" includes all regulations that have the "force and effect of law." The Government bases this argument on the decision in *Chrysler Corp.* v. *Brown*, 441 U. S. 281, where this Court held that legislative regulations generally fall within the meaning of the word "law" unless there is a "clear showing of contrary legislative intent." *Id.*, at 295–296. But Congress's use of the word "law," in close connection with the phrase "law, rule, or regulation," provides the necessary "clear showing" that "law" does not include regulations in this case. Second, the Government argues that the word "law" includes at least those regulations that were "promulgated pursuant to an express congressional directive." The Government, however, was unable to find a single example of the word "law" being used in that way. Pp. 391–395.

(ii) Likewise, MacLean's disclosure was not prohibited by Section 114(r)(1). That statute does not prohibit anything; instead, it authorizes the TSA to "prescribe regulations." Thus, by its terms, Section 114(r)(1) did not prohibit the disclosure here. The Government responds that Section 114(r)(1) did prohibit MacLean's disclosure by imposing a "legislative mandate" on the TSA to promulgate regulations to

that effect. But the statute affords substantial discretion to the TSA in deciding whether to prohibit any particular disclosure. Thus, it is the TSA's regulations—not the statute—that prohibited MacLean's disclosure, and those regulations do not qualify as "law" under Section 2302(b)(8)(A). Pp. 395–398.

(b) The Government argues that providing whistleblower protection to individuals like MacLean would "gravely endanger public safety" by making the confidentiality of sensitive security information depend on the idiosyncratic judgment of each of the TSA's 60,000 employees. Those concerns are legitimate, but they must be addressed by Congress or the President, rather than by this Court. Pp. 398–399.

714 F. 3d 1301, affirmed.

ROBERTS, C. J., delivered the opinion of the Court, in which SCALIA, THOMAS, GINSBURG, BREYER, ALITO, and KAGAN, JJ., joined. SOTOMAYOR, J., filed a dissenting opinion, in which KENNEDY, J., joined, *post*, p. 400.

Deputy Solicitor General Gershengorn argued the cause for petitioner. With him on the briefs were *Solicitor General Verrilli*, *Assistant Attorney General Delery*, *Eric J. Feigin*, *Douglas N. Letter*, *H. Thomas Byron III*, and *Michael P. Goodman*.

Neal K. Katyal argued the cause for respondent. With him on the brief was *Thomas Devine*.*

CHIEF JUSTICE ROBERTS delivered the opinion of the Court.

Federal law generally provides whistleblower protections to an employee who discloses information revealing "any violation of any law, rule, or regulation," or "a substantial

*Briefs of *amici curiae* urging affirmance were filed for the United States Office of Special Counsel by *Carolyn N. Lerner*; for the American Federation of Government Employees by *Andres M. Grajales* and *David A. Borer*; for Blacks In Government (BIG) et al. by *Mathew B. Tully*, *Gregory T. Rinckey*, and *Kent A. Eiler*; for Flyersrights.org by *Raymond Brescia*; for Former United States Government Officials by *Michael J. Gottlieb*; for Members of Congress by *Robert K. Kry*; for Project On Government Oversight by *F. Douglas Hartnett*; for The Rutherford Institute by *John W. Whitehead*; and for David B. Nolan, Sr., by *Mr. Nolan*, *pro se*.

and specific danger to public health or safety." 5 U. S. C. § 2302(b)(8)(A). An exception exists, however, for disclosures that are "specifically prohibited by law." *Ibid.* Here, a federal air marshal publicly disclosed that the Transportation Security Administration (TSA) had decided to cut costs by removing air marshals from certain long-distance flights. The question presented is whether that disclosure was "specifically prohibited by law."

I

A

In 2002, Congress enacted the Homeland Security Act, 116 Stat. 2135. As relevant here, that Act provides that the TSA "shall prescribe regulations prohibiting the disclosure of information obtained or developed in carrying out security . . . if the Under Secretary decides that disclosing the information would . . . be detrimental to the security of transportation." 49 U. S. C. § 114(r)(1)(C).

Around the same time, the TSA promulgated regulations prohibiting the unauthorized disclosure of what it called "sensitive security information." See 67 Fed. Reg. 8351 (2002). The regulations described 18 categories of sensitive security information, including "[s]pecific details of aviation security measures . . . [such as] information concerning specific numbers of Federal Air Marshals, deployments or missions, and the methods involved in such operations." 49 CFR § 1520.7(j) (2002). Sensitive security information is not classified, so the TSA can share it with individuals who do not have a security clearance, such as airport employees. Compare Exec. Order No. 13526, § 4.1, 3 CFR 298, 314–315 (2009 Comp.), with 49 CFR § 1520.11(c) (2013).

B

Robert J. MacLean became a federal air marshal for the TSA in 2001. In that role, MacLean was assigned to protect passenger flights from potential hijackings. See 49 U. S. C. § 44917(a).

On July 26, 2003, the Department of Homeland Security (DHS) issued a confidential advisory about a potential hijacking plot. The advisory said that members of the terrorist group al Qaeda were planning to attack passenger flights, and that they "considered suicide hijackings and bombings as the most promising methods to destroy aircraft in flight, as well as to strike ground targets." App. 16. The advisory identified a number of potential targets, including the United Kingdom, Italy, Australia, and the east coast of the United States. Finally, the advisory warned that at least one of the attacks "could be executed by the end of the summer 2003." *Ibid.*

The TSA soon summoned all air marshals (including MacLean) for face-to-face briefings about the hijacking plot. During MacLean's briefing, a TSA official told him that the hijackers were planning to "smuggle weapons in camera equipment or children's toys through foreign security," and then "fly into the United States . . . into an airport that didn't require them to be screened." *Id.*, at 92. The hijackers would then board U. S. flights, "overpower the crew or the Air Marshals and . . . fly the planes into East Coast targets." *Id.*, at 93.

A few days after the briefing, MacLean received from the TSA a text message canceling all overnight missions from Las Vegas until early August. MacLean, who was stationed in Las Vegas, believed that canceling those missions during a hijacking alert was dangerous. He also believed that the cancellations were illegal, given that federal law required the TSA to put an air marshal on every flight that "present[s] high security risks," 49 U. S. C. § 44917(a)(2), and provided that "nonstop, long distance flights, such as those targeted on September 11, 2001, should be a priority," § 44917(b). See App. 95, 99, 101.

MacLean therefore asked a supervisor why the TSA had canceled the missions. The supervisor responded that the TSA wanted "to save money on hotel costs because there

was no more money in the budget." *Id.*, at 95. MacLean also called the DHS Inspector General's Office to report the cancellations. But a special agent in that office told him there was "nothing that could be done." *Id.*, at 97.

Unwilling to accept those responses, MacLean contacted an MSNBC reporter and told him about the canceled missions. In turn, the reporter published a story about the TSA's decision, titled "Air Marshals pulled from key flights." *Id.*, at 36. The story reported that air marshals would "no longer be covering cross-country or international flights" because the agency did not want them "to incur the expense of staying overnight in hotels." *Ibid.* The story also reported that the cancellations were "particularly disturbing to some" because they "coincide[d] with a new high-level hijacking threat issued by the Department of Homeland Security." *Id.*, at 37.

After MSNBC published the story, several Members of Congress criticized the cancellations. Within 24 hours, the TSA reversed its decision and put air marshals back on the flights. *Id.*, at 50.

At first, the TSA did not know that MacLean was the source of the disclosure. In September 2004, however, MacLean appeared on NBC Nightly News to criticize the TSA's dress code for air marshals, which he believed made them too easy to identify. Although MacLean appeared in disguise, several co-workers recognized his voice, and the TSA began investigating the appearance. During that investigation, MacLean admitted that he had disclosed the text message back in 2003. Consequently, in April 2006, the TSA fired MacLean for disclosing sensitive security information without authorization.

MacLean challenged his firing before the Merit Systems Protection Board, arguing in relevant part that his disclosure was protected whistleblowing activity under 5 U. S. C. § 2302(b)(8)(A). The Board held that MacLean did not qualify for protection under that statute, however, because his

disclosure was "specifically prohibited by law." 116 MSPR 562, 569–572 (2011).

The Court of Appeals for the Federal Circuit vacated the Board's decision. 714 F. 3d 1301 (2013). The parties had agreed that, in order for MacLean's disclosure to be "specifically prohibited *by law*," it must have been "prohibited by a statute rather than by a regulation." *Id.*, at 1308 (emphasis added). Thus, the issue before the court was whether the statute authorizing the TSA's regulations—now codified at 49 U. S. C. § 114(r)(1)—"specifically prohibited" MacLean's disclosure. 714 F. 3d, at 1308.*

The court first held that Section 114(r)(1) was not a prohibition. The statute did "not expressly prohibit employee disclosures," the court explained, but instead empowered the TSA to "prescribe regulations prohibiting disclosure[s]" if the TSA decided that disclosing the information would harm public safety. *Id.*, at 1309. The court therefore concluded that MacLean's disclosure was prohibited by a regulation, which the parties had agreed could not be a "law" under Section 2302(b)(8)(A). *Ibid.*

The court then held that, even if Section 114(r)(1) were a prohibition, it was not "sufficiently specific." *Ibid.* The court explained that a law is sufficiently specific only if it "requires that matters be withheld from the public as to leave no discretion on the issue, or . . . establishes particular criteria for withholding or refers to particular types of matters to be withheld." *Ibid.* (quoting S. Rep. No. 95–969 (1978)). And Section 114(r)(1) did not meet that test because it "provide[d] only general criteria for withholding in-

*This statute has a complicated history. It was codified at 49 U. S. C. § 40119(b)(1) when the TSA initially promulgated its regulations on sensitive security information. It was codified at § 114(s)(1) when MacLean disclosed the text message to MSNBC. And it is now codified at § 114(r)(1). The Federal Circuit referred to § 40119(b)(1) in its opinion. Because the statute has remained identical in all relevant respects, however, we and the parties refer to the current version.

formation and [gave] some discretion to the [TSA] to fashion regulations for prohibiting disclosure." 714 F. 3d, at 1309. The court accordingly vacated the Board's decision and remanded for a determination of whether MacLean's disclosure met the other requirements under Section 2302(b)(8)(A). *Id.*, at 1310–1311.

We granted certiorari. 572 U. S. 1114 (2014).

II

Section 2302(b)(8) provides, in relevant part, that a federal agency may not take

> "a personnel action with respect to any employee or applicant for employment because of—
>
> "(A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences
>
> "(i) any violation of any law, rule, or regulation, or
>
> "(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety,
>
> "if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs."

The Government argues that this whistleblower statute does not protect MacLean because his disclosure regarding the canceled missions was "specifically prohibited by law" in two ways. First, the Government argues that the disclosure was specifically prohibited by the TSA's regulations on sensitive security information: 49 CFR §§ 1520.5(a)–(b), 1520.7(j) (2003). Second, the Government argues that the disclosure was specifically prohibited by 49 U. S. C. § 114(r)(1), which authorized the TSA to promulgate those regulations. We address each argument in turn.

A

1

In 2003, the TSA's regulations prohibited the disclosure of "[s]pecific details of aviation security measures . . . [such as] information concerning specific numbers of Federal Air Marshals, deployments or missions, and the methods involved in such operations." 49 CFR § 1520.7(j). MacLean does not dispute before this Court that the TSA's regulations prohibited his disclosure regarding the canceled missions. Thus, the question here is whether a disclosure that is specifically prohibited by regulation is also "specifically prohibited *by law*" under Section 2302(b)(8)(A). (Emphasis added.)

The answer is no. Throughout Section 2302, Congress repeatedly used the phrase "law, rule, or regulation." For example, Section 2302(b)(1)(E) prohibits a federal agency from discriminating against an employee "on the basis of marital status or political affiliation, as prohibited under any law, rule, or regulation." For another example, Section 2302(b)(6) prohibits an agency from "grant[ing] any preference or advantage not authorized by law, rule, or regulation." And for a third example, Section 2302(b)(9)(A) prohibits an agency from retaliating against an employee for "the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation."

In contrast, Congress did not use the phrase "law, rule, or regulation" in the statutory language at issue here; it used the word "law" standing alone. That is significant because Congress generally acts intentionally when it uses particular language in one section of a statute but omits it in another. *Russello* v. *United States*, 464 U. S. 16, 23 (1983). Thus, Congress's choice to say "specifically prohibited by law" rather than "specifically prohibited by law, rule, or regulation" suggests that Congress meant to exclude rules and regulations.

The interpretive canon that Congress acts intentionally when it omits language included elsewhere applies with particular force here for two reasons. First, Congress used "law" and "law, rule, or regulation" in close proximity—indeed, in the same sentence. § 2302(b)(8)(A) (protecting the disclosure of "any violation of any law, rule, or regulation . . . if such disclosure is not specifically prohibited by law"). Second, Congress used the broader phrase "law, rule, or regulation" repeatedly—nine times in Section 2302 alone. See §§ 2302(a)(2)(D)(i), (b)(1)(E), (b)(6), (b)(8)(A)(i), (b)(8)(B)(i), (b)(9)(A), (b)(12), (b)(13), (d)(5). Those two aspects of the whistleblower statute make Congress's choice to use the narrower word "law" seem quite deliberate.

We drew the same inference in *Department of Treasury, IRS* v. *FLRA*, 494 U. S. 922 (1990). There, the Government argued that the word "laws" in one section of the Civil Service Reform Act of 1978 meant the same thing as the phrase "law, rule, or regulation" in another section of the Act. *Id.*, at 931. We rejected that argument as "simply contrary to any reasonable interpretation of the text." *Id.*, at 932. Indeed, we held that a statute that referred to "laws" in one section and "law, rule, or regulation" in another "cannot, unless we abandon all pretense at precise communication, be deemed to mean the same thing in both places." *Ibid.* That inference is even more compelling here, because the statute refers to "law" and "law, rule, or regulation" in the same sentence, rather than several sections apart.

Another part of the statutory text points the same way. After creating an exception for disclosures "specifically prohibited by law," Section 2302(b)(8)(A) goes on to create a second exception for information "specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs." This exception is limited to action taken directly by the President. That suggests that the word "law" in the only other exception is limited to actions by Congress—after all, it would be unusual

for the first exception to include action taken by executive agencies, when the second exception requires action by the President himself.

In addition, a broad interpretation of the word "law" could defeat the purpose of the whistleblower statute. If "law" included agency rules and regulations, then an agency could insulate itself from the scope of Section 2302(b)(8)(A) merely by promulgating a regulation that "specifically prohibited" whistleblowing. But Congress passed the whistleblower statute precisely because it did not trust agencies to regulate whistleblowers within their ranks. Thus, it is unlikely that Congress meant to include rules and regulations within the word "law."

2

The Government admits that some regulations fall outside the word "law" as used in Section 2302(b)(8)(A). But, the Government says, that does not mean that *all* regulations are excluded. The Government suggests two interpretations that would distinguish "law" from "law, rule, or regulation," but would still allow the word "law" to subsume the TSA's regulations on sensitive security information.

First, the Government argues that the word "law" includes all regulations that have the "force and effect of law" (*i. e.*, legislative regulations), while excluding those that do not (*e. g.*, interpretive rules). Brief for Petitioner 19–22. The Government bases this argument on our decision in *Chrysler Corp.* v. *Brown*, 441 U. S. 281 (1979). There, we held that legislative regulations generally fall within the meaning of the word "law," and that it would take a "clear showing of contrary legislative intent" before we concluded otherwise. *Id.*, at 295–296. Thus, because the TSA's regulations have the force and effect of law, the Government says that they should qualify as "law" under the statute.

The Government's description of *Chrysler* is accurate enough. But Congress's use of the word "law," in close connection with the phrase "law, rule, or regulation," provides

the necessary "clear showing" that "law" does not include regulations. Indeed, using "law" and "law, rule, or regulation" in the same sentence would be a very obscure way of drawing the Government's nuanced distinction between different types of regulations. Had Congress wanted to draw that distinction, there were far easier and clearer ways to do so. For example, at the time Congress passed Section 2302(b)(8)(A), another federal statute defined the words "regulatory order" to include a "rule or regulation, if it has the force and effect of law." 7 U. S. C. § 450c(a) (1976 ed.). Likewise, another federal statute defined the words "State law" to include "all laws, decisions, rules, regulations, or other State action having the effect of law." 29 U. S. C. § 1144(c)(1) (1976 ed.). As those examples show, Congress knew how to distinguish between regulations that had the force and effect of law and those that did not, but chose not to do so in Section 2302(b)(8)(A).

Second, the Government argues that the word "law" includes at least those regulations that were "promulgated pursuant to an express congressional directive." Brief for Petitioner 21. Outside of this case, however, the Government was unable to find a single example of the word "law" being used in that way. Not a single dictionary definition, not a single statute, not a single case. The Government's interpretation happens to fit this case precisely, but it needs more than that to recommend it.

Although the Government argues here that the word "law" includes rules and regulations, it definitively rejected that argument in the Court of Appeals. For example, the Government's brief accepted that the word "law" meant "legislative enactment," and said that the "only dispute" was whether 49 U. S. C. § 114(r)(1) "serve[d] as that legislative enactment." Brief for Respondent in No. 11–3231 (CA Fed.), pp. 46–47. Then, at oral argument, a judge asked the Government's attorney the following question: "I thought I understood your brief to concede that [the word 'law'] can't

be a rule or regulation, it means statute. Am I wrong?" The Government's attorney responded: "You're not wrong your honor. I'll be as clear as I can. 'Specifically prohibited by law' here means statute." Oral Arg. Audio in No. 11–3231, at 22:42–23:03; see also *id.*, at 29:57–30:03 ("Now, as we've been discussing here, we're not saying here that [the word 'law'] needs to encompass regulations. We're saying statute."). Those concessions reinforce our conclusion that the Government's proposed interpretations are unpersuasive.

In sum, when Congress used the phrase "specifically prohibited by law" instead of "specifically prohibited by law, rule, or regulation," it meant to exclude rules and regulations. We therefore hold that the TSA's regulations do not qualify as "law" for purposes of Section 2302(b)(8)(A).

B

We next consider whether MacLean's disclosure regarding the canceled missions was "specifically prohibited" by 49 U. S. C. § 114(r)(1) itself. As relevant here, that statute provides that the TSA "shall prescribe regulations prohibiting the disclosure of information obtained or developed in carrying out security . . . if the Under Secretary decides that disclosing the information would . . . be detrimental to the security of transportation." § 114(r)(1)(C).

This statute does not prohibit anything. On the contrary, it *authorizes* something—it authorizes the Under Secretary to "prescribe regulations." Thus, by its terms Section 114(r)(1) did not prohibit the disclosure at issue here.

The Government responds that Section 114(r)(1) did prohibit MacLean's disclosure by imposing a "legislative mandate" on the TSA to promulgate regulations to that effect. See Brief for Petitioner 28, 33; see also *post*, at 400–401 (SOTOMAYOR, J., dissenting). But the Government pushes the statute too far. Section 114(r)(1) says that the TSA shall prohibit disclosures only "*if the Under Secretary decides* that

disclosing the information would . . . be detrimental to the security of transportation." § 114(r)(1)(C) (emphasis added). That language affords substantial discretion to the TSA in deciding whether to prohibit any particular disclosure.

The dissent tries to downplay the scope of that discretion, viewing it as the almost ministerial task of "*identifying* whether a particular piece of information falls within the scope of Congress' command." *Post*, at 401–402. But determining which documents meet the statutory standard of "detrimental to the security of transportation" requires the exercise of considerable judgment. For example, the Government says that Section 114(r)(1) requires the Under Secretary to prohibit disclosures like MacLean's. The Government also says, however, that the statute does not require the Under Secretary to prohibit an employee from disclosing that "federal air marshals will be absent from important flights, but declining to specify which flights." Reply Brief 23. That fine-grained distinction comes not from Section 114(r)(1) itself, but from the Under Secretary's exercise of discretion. It is the TSA's regulations—not the statute—that prohibited MacLean's disclosure. And as the dissent agrees, a regulation does not count as "law" under the whistleblower statute. See *post*, at 400.

The Government insists, however, that this grant of discretion does not make Section 114(r)(1) any less of a prohibition. In support, the Government relies on *Administrator, FAA* v. *Robertson*, 422 U. S. 255 (1975). That case involved the Freedom of Information Act (FOIA), which requires federal agencies to disclose information upon request unless, among other things, the information is "specifically exempted from disclosure by statute." 5 U. S. C. § 552(b)(3). In *Robertson*, we held that the Federal Aviation Act of 1958 was one such statute, because it gave the Federal Aviation Administration (FAA) "a broad degree of discretion" in deciding whether to disclose or withhold information. 422 U. S., at 266.

The Government tries to analogize that case to this one. In *Robertson*, the Government says, the FAA's discretion whether to disclose information did not preclude a finding that the information was "specifically exempted" from disclosure by statute. So too here, the Government says, the TSA's discretion whether to prohibit disclosure of information does not preclude a finding that the information is "specifically prohibited" from disclosure by Section 114(r)(1). See Brief for Petitioner 30.

This analogy fails. FOIA and Section 2302(b)(8)(A) differ in an important way: The provision of FOIA at issue involves information that is "*exempted*" from disclosure, while Section 2302(b)(8)(A) involves information that is "*prohibited*" from disclosure.

A statute that exempts information from mandatory disclosure may nonetheless give the agency discretion to release that exempt information to the public. In such a case, the agency's exercise of discretion has no effect on whether the information is "exempted from disclosure *by statute*"—it remains exempt whatever the agency chooses to do.

The situation is different when it comes to a statute giving an agency discretion to prohibit the disclosure of information. The information is not prohibited from disclosure *by statute* regardless of what the agency does. It is the agency's exercise of discretion that determines whether there is a prohibition at all. Thus, when Section 114(r)(1) gave the TSA the discretion to prohibit the disclosure of information, the statute did not create a prohibition—it gave the TSA the power to create one. And because Section 114(r)(1) did not create a prohibition, MacLean's disclosure was not "prohibited *by law*" under Section 2302(b)(8)(A), but only by a regulation issued in the TSA's discretion.

In any event, *Robertson* was a case about FOIA, not Section 2302, and our analysis there depended on two FOIA-specific factors that are not present here. First, we examined the legislative history of FOIA and determined that

Congress did not intend that statute to affect laws like the Federal Aviation Act. 422 U. S., at 263–265. In particular, we noted that the Civil Aeronautics Board had expressed its view during congressional hearings that the Federal Aviation Act qualified as an exempting statute under FOIA, and that "no question was raised or challenge made" to the agency's view. *Id.*, at 264–265. But that legislative history can have no effect on our analysis of Section 2302(b)(8)(A).

Second, we said that the Federal Aviation Act could fail to qualify as an exempting statute only if we read FOIA "as repealing by implication all existing statutes which restrict public access to specific Government records." *Id.*, at 265 (internal quotation marks omitted). Then, relying on the presumption that "repeals by implication are disfavored," we rejected that interpretation of FOIA. But the presumption against implied repeals has no relevance here. Saying that Section 114(r)(1) is not a prohibition under the whistleblower statute is not the same as saying that the whistleblower statute implicitly repealed Section 114(r)(1). On the contrary, Section 114(r)(1) remains in force by allowing the TSA to deny FOIA requests and prohibit employee disclosures that do not qualify for whistleblower protection under Section 2302(b)(8)(A).

Ultimately, FOIA and Section 2302(b)(8)(A) are different statutes—they have different language, different histories, and were enacted in different contexts. Our interpretation of one, therefore, has no impact whatsoever on our interpretation of the other.

III

Finally, the Government warns that providing whistleblower protection to individuals like MacLean would "gravely endanger public safety." Brief for Petitioner 38. That protection, the Government argues, would make the confidentiality of sensitive security information depend on the idiosyncratic judgment of each of the TSA's 60,000 employees. *Id.*, at 37. And those employees will "most likely

lack access to all of the information that led the TSA to make particular security decisions." *Id.*, at 38. Thus, the Government says, we should conclude that Congress did not intend for Section 2302(b)(8)(A) to cover disclosures like MacLean's.

Those concerns are legitimate. But they are concerns that must be addressed by Congress or the President, rather than by this Court. Congress could, for example, amend Section 114(r)(1) so that the TSA's prohibitions on disclosure override the whistleblower protections in Section 2302(b)(8)(A)—just as those prohibitions currently override FOIA. See § 114(r)(1) (authorizing the TSA to prohibit disclosures "[n]otwithstanding section 552 of title 5"); see also 10 U. S. C. § 2640(h) ("the Secretary of Defense may (notwithstanding any other provision of law) withhold from public disclosure safety-related information that is provided to the Secretary voluntarily by an air carrier for the purposes of this section"). Congress could also exempt the TSA from the requirements of Section 2302(b)(8)(A) entirely, as Congress has already done for the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office. See 5 U. S. C. § 2302(a)(2)(C)(ii)(I).

Likewise, the President could prohibit the disclosure of sensitive security information by Executive Order. Indeed, the Government suggested at oral argument that the President could "entirely duplicate" the regulations that the TSA has issued under Section 114(r)(1). Tr. of Oral Arg. 16–20. Such an action would undoubtedly create an exception to the whistleblower protections found in Section 2302(b)(8)(A).

Although Congress and the President each has the power to address the Government's concerns, neither has done so. It is not our role to do so for them.

The judgment of the United States Court of Appeals for the Federal Circuit is

Affirmed.

JUSTICE SOTOMAYOR, with whom JUSTICE KENNEDY joins, dissenting.

I agree with much of the Court's opinion. I have no qualms with the Court's conclusion that the phrase "specifically prohibited by law," as used in the Whistleblower Protection Act of 1989 (WPA), 5 U. S. C. § 2302(b)(8)(A), does not encompass disclosures prohibited only by regulation. See *ante*, at 391. Nor do I see any problem in the distinction the Court draws between statutes that *prohibit* information from being disclosed, the violation of which may preclude application of the WPA, and statutes that simply *exempt* information from otherwise-applicable disclosure requirements, which do not trigger the WPA's "prohibited by law" exception. See *ante*, at 396–397.

I part ways with the Court, however, when it concludes that 49 U. S. C. § 114(r)(1) does not itself prohibit the type of disclosure at issue here—the release of information regarding the absence of federal air marshals on overnight flights. *Ante*, at 395. That statute provides, in relevant part, that the Transportation Security Administration (TSA) "*shall* prescribe regulations prohibiting the disclosure of information obtained or developed in carrying out security . . . if the Under Secretary decides that disclosing the information would . . . be detrimental to the security of transportation." § 114(r)(1) (emphasis added).

The Court reasons, first, that Section 114(r)(1) does not "prohibit anything," but instead simply "*authorizes*" the TSA to prescribe regulations. *Ante*, at 395. But this contention overlooks the statute's use of the word "shall," which, as we have observed, "generally means 'must.'" *Gutierrez de Martinez* v. *Lamagno*, 515 U. S. 417, 432, n. 9 (1995); see also, *e. g.*, *Federal Express Corp.* v. *Holowecki*,

552 U. S. 389, 400 (2008) ("Congress' use of the term 'shall' indicates an intent to 'impose discretionless obligations'" (some internal quotation marks omitted)); A. Scalia & B. Garner, Reading Law: The Interpretation of Legal Texts 114 (2012) ("[W]hen the word *shall* can reasonably be read as mandatory, it ought to be so read"). Section 114(r)(1) does not merely *authorize* the TSA to promulgate regulations; it directs it to do so, and describes what those regulations must accomplish.

The Court focuses, second, on the fact that Section 114(r) authorizes the TSA to "'decid[e]'" whether the disclosure of a particular item of information would in fact be "'detrimental to the security of transportation.'" *Ante*, at 395–396 (emphasis deleted). I certainly agree that this language vests some discretion in the agency.[1] But the agency is required to prevent the disclosure of any information it determines is within Congress' prohibition; its discretion pertains only to *identifying* whether a particular piece of information

[1] The Court does not address respondent's alternative argument, accepted by the Court of Appeals below, that Section 114(r)(1) describes the information encompassed in its prohibitory scope with insufficient particularity to qualify the disclosure here as "*specifically* prohibited by law" within the meaning of the WPA. Some of the legislative history of the WPA linked its specificity requirement to the criteria established in Exemption 3 of the Freedom of Information Act, 5 U. S. C. § 552(b)(3), and the Court of Appeals applied this standard. See 714 F. 3d 1301, 1309 (CA Fed. 2013); see also S. Rep. No. 95–969, pp. 21–22 (1978). MacLean has offered no argument that a WPA antidisclosure statute must define the relevant category of information with any greater degree of particularity. Assuming the Exemption 3 standard is applicable, I note that Section 114(r) is at least as "specific" as the statutory provisions we have previously held to satisfy Exemption 3's requirements. See, *e. g.*, *Department of Justice* v. *Julian*, 486 U. S. 1, 9 (1988) (holding that provisions of Federal Rule of Criminal Procedure 32(c)(3)(A) and former 18 U. S. C. § 4208(c) (1982 ed.) prohibiting disclosure of portions of presentence reports "relat[ed] to confidential sources, diagnostic opinions, *and other information that may cause harm to the defendant or to third parties*" could justify withholding under Exemption 3 (emphasis added)).

falls within the scope of Congress' command. In concluding that such residual agency discretion deprives Section 114(r) of prohibitory effect, the Court overlooks the degree of agency involvement that is necessary in the administration of many antidisclosure statutes. Congress cannot be expected to identify with particularity each individual document or datum the release of which it wants to preclude. Often, it will have to leave to an agency or other enforcing authority the tasks of defining—perhaps through regulations—exactly what type of information falls within the scope of the congressional prohibition, and of determining whether a particular item of information fits the bill. The enforcing authority may, as the Court puts it, sometimes be required to make some "fine-grained distinction[s]" in fulfilling this charge, *ante*, at 396, but that does not change the fact that Congress itself is the source of the prohibition on disclosure.[2]

Indeed, Congress appears to have anticipated the need for agency involvement in the interpretation and enforcement of antidisclosure statutes at the time it enacted the WPA. The Senate Report to the WPA identified only two statutes the violation of which would preclude whistleblower protection, the first being Section 102(d)(3) of the National Security Act of 1947, 61 Stat. 498, which provided that "the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." See S. Rep. No. 95–969, pp. 21–22 (1978). This example

[2] For the same reasons, the agency's decision that a disclosure contravened a statute may not necessarily be determinative in any given WPA case: Although an agency may no doubt receive deference in the interpretation and implementation of a prohibitory statute, ultimately WPA protection will not apply if the agency improperly concluded that a given disclosure was prohibited by that statute. Cf. *CIA* v. *Sims*, 471 U. S. 159, 168–181 (1985) (according deference to Central Intelligence Agency's expertise, but engaging in an extended analysis of whether the particular information the Agency refused to disclose fell within the scope of the statutory prohibition).

clearly suggests Congress contemplated that a statute directing an agency to protect against disclosures and delegating substantial authority to the agency should nevertheless be deemed to impose the relevant prohibition. Section 114(r)(1)'s delegation to the TSA to "decide" whether the release of particular information would be "detrimental to the security of transportation" likewise simply reflects Congress' recognition of the inevitable fact that the agency will be tasked, in the first instance, with enforcing its statutory mandate.

In sum, with Section 114(r)(1), Congress has required agency action that would preclude the release of information "detrimental to the security of transportation." In so doing, Congress has expressed its clear intent to prohibit such disclosures. I would respect its intent, and hold that a disclosure contravening that mandate is "prohibited by law" within the meaning of the WPA.

Having said all that, I appreciate the narrowness of the Court's holding. The Court's conclusion that Section 114(r) does not itself prohibit any disclosures depends entirely on the statutory language directing the agency to "prescribe regulations," and providing that the agency will "decid[e]" what information falls within the statute's purview. See *ante*, at 395–396. From all that appears in the majority opinion, then, this case would likely have turned out differently if Section 114(r) instead provided: "The disclosure of information detrimental to the security of transportation is prohibited, and the TSA shall promulgate regulations to that effect," or "The Under Secretary shall prescribe regulations prohibiting the disclosure of information detrimental to the security of transportation; and such disclosures are prohibited." I myself decline to surrender so fully to sheer formalism, especially where transportation security is at issue and there is little dispute that the disclosure of air marshals' locations is potentially dangerous and was proscribed by the relevant implementing regulation. In so surrendering, how-

ever, the Court would appear to have enabled future courts and Congresses to avoid easily the consequences of its ruling, and thus to have limited much of the potential for adverse practical effects beyond this case. But in the interim, at least, the Court has left important decisions regarding the disclosure of critical information completely to the whims of individual employees.

I respectfully dissent.

Syllabus

GELBOIM ET AL. *v.* BANK OF AMERICA CORP. ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

No. 13–1174. Argued December 9, 2014—Decided January 21, 2015

Three legal prescriptions figure in this case. Title 28 U. S. C. § 1291 gives the courts of appeals jurisdiction over appeals from "all final decisions of the district courts of the United States," and its core application is to rulings that terminate an action. Federal Rule of Civil Procedure 54(b) permits district courts to authorize immediate appeal of dispositive rulings on separate claims in a civil action raising multiple claims. And 28 U. S. C. § 1407 authorizes the Judicial Panel on Multidistrict Litigation (JPML) to transfer civil actions "involving one or more common questions of fact . . . to any district for coordinated or consolidated pretrial proceedings" in order to "promote the just and efficient conduct of such actions," § 1407(a).

The London InterBank Offered Rate (LIBOR) is a reference point in determining interest rates for financial instruments in the United States and globally. The JPML established a multidistrict litigation (LIBOR MDL) for cases involving allegations that defendant banks understated their borrowing costs, thereby depressing LIBOR and enabling the banks to pay lower interest rates on financial instruments sold to investors. Over 60 actions were consolidated for pretrial proceedings in the U. S. District Court for the Southern District of New York, including a class action filed by petitioners Ellen Gelboim and Linda Zacher, who raised the single claim that several banks, acting in concert, had violated federal antitrust law. Determining that no plaintiff could assert a cognizable antitrust injury, the District Court granted the banks' motion to dismiss all antitrust claims, including the Gelboim-Zacher complaint's sole claim. The District Court thus dismissed the Gelboim-Zacher complaint, denied leave to amend, and dismissed the case in its entirety. Other cases made part of the LIBOR MDL, however, presented discrete claims which remained before the District Court. Assuming that the Gelboim-Zacher plaintiffs were entitled to an immediate appeal of right under § 1291, the District Court granted Rule 54(b) certifications authorizing the plaintiffs in some of the multiple-claim actions to appeal the dismissal of their antitrust claims while their other claims remained pending in the District Court. On its own initiative, the Second Circuit dismissed the Gelboim-Zacher appeal because the order appealed from

Syllabus

did not dispose of all of the claims in the consolidated action. The District Court thereafter withdrew its Rule 54(b) certifications.

Held: The order dismissing their case in its entirety removed Gelboim and Zacher from the consolidated proceeding, thereby triggering their right to appeal under § 1291.

Because cases consolidated for MDL pretrial proceedings ordinarily retain their separate identities, an order disposing of one of the discrete cases in its entirety should qualify under § 1291 as an appealable final decision. Section 1407 refers to individual "actions" transferrable to a single district court, not to a monolithic multidistrict "action" created by transfer. See *Lexecon Inc.* v. *Milberg Weiss Bershad Hynes & Lerach*, 523 U. S. 26, 37. And § 1407(a)'s language—"at or before the conclusion of . . . pretrial proceedings," each transferred action must be remanded to the originating district "unless [the action] shall have been previously terminated"—indicates Congress' anticipation that, during the pendency of pretrial proceedings, final decisions might be rendered in one or more of the actions consolidated pursuant to § 1407. The District Court's order dismissing the Gelboim-Zacher complaint was a final decision. The District Court completed its adjudication of petitioners' complaint and terminated their action. Petitioners thus are no longer participants in the consolidated proceedings. Nothing about the initial consolidation of their civil action with other LIBOR MDL cases renders the dismissal of their complaint tentative or incomplete.

To hold, as the banks contend, that no appeal of right accrues until a § 1407 consolidation ends would leave plaintiffs like Gelboim and Zacher in a quandary about the event that triggers the 30-day period for taking an appeal. The sensible solution to the appeal-clock trigger is to allow an immediate appeal in a case such as this, where the transferee court in an MDL grants a defendant's dispositive motion on every claim (or the sole claim) in a transferred case. The banks are also concerned about allowing plaintiffs with the weakest cases to appeal because their complaint states only one claim, while leaving those with stronger cases unable to appeal simultaneously because they have other pending claims. But that concern is attended to by Rule 54(b), which authorizes district courts to grant certifications to parties with multiple-claim complaints, thereby enabling plaintiffs in actions that have not been dismissed in their entirety to pursue immediate appellate review of discrete claims. The District Court did that in this very case. Rule 54(b), however, is of no avail to Gelboim and Zacher, who asserted only one claim. See *Sears, Roebuck & Co.* v. *Mackey*, 351 U. S. 427, 435. Section 1292(b)—which allows district courts to designate for review certain

interlocutory orders—is also inapposite here, for there is nothing "interlocutory" about the dismissal order in the Gelboim-Zacher action. Pp. 413–417.

Reversed and remanded.

GINSBURG, J., delivered the opinion for a unanimous Court.

Thomas C. Goldstein argued the cause for petitioners. With him on the briefs were *Tejinder Singh*, *Karen Lisa Morris*, and *David H. Weinstein.*

Seth P. Waxman argued the cause for respondents. With him on the brief were *Jeffrey B. Wall*, *Paul R. Q. Wolfson*, *Fraser L. Hunter, Jr.*, *David S. Lesser*, *Alan E. Schoenfeld*, *Robert F. Wise, Jr.*, *Daryl A. Libow*, *Christopher M. Viapiano*, *Alan M. Wiseman*, *Michael R. Lazerwitz*, *Moses Silverman*, *David H. Braff*, *Yvonne S. Quinn*, *Jeffrey T. Scott*, *Jonathan D. Schiller*, *Michael Brille*, *Michael J. Gottlieb*, *David R. Gelfand*, *Sean M. Murphy*, *Ed DeYoung*, *Gregory T. Casamento*, *Herbert S. Washer*, *Elai Katz*, *Joel Kurtzberg*, *Neal Kumar Katyal*, *Jessica L. Ellsworth*, *Marc J. Gottridge*, *Lisa J. Fried*, *Thomas C. Rice*, *Ethan E. Litwin*, *Thomas G. Hungar*, and *D. Jarrett Arp.**

JUSTICE GINSBURG delivered the opinion of the Court.

An unsuccessful litigant in a federal district court may take an appeal, as a matter of right, from a "final decisio[n] of the district cour[t]." 28 U. S. C. § 1291. The question here presented: Is the right to appeal secured by § 1291 affected

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**Barry C. Barnett*, *Drew D. Hansen*, *Marc M. Seltzer*, *Arun Subramanian*, *William Christopher Carmody*, *Michael D. Hausfeld*, *William P. Butterfield*, *Joseph W. Cotchett*, and *Nanci E. Nishimura* filed a brief for the Mayor of Baltimore et al. as *amici curiae* urging reversal.

Briefs of *amici curiae* urging affirmance were filed for the Chamber of Commerce of the United States of America by *Kevin C. Newsom*, *Edmund S. Sauer*, *Kate Comerford Todd*, *Tyler R. Green*, and *Jack L. Wilson*; and for Retired United States District Judges by *William M. Jay* and *Brian E. Pastuszenski.*

when a case is consolidated for pretrial proceedings in multidistrict litigation (or MDL) authorized by 28 U. S. C. § 1407?

Petitioners Ellen Gelboim and Linda Zacher filed in the United States District Court for the Southern District of New York a class-action complaint raising a single claim. They alleged that a number of banks, acting in concert, had violated federal antitrust law. Their case was consolidated for pretrial proceedings together with some 60 other cases, commenced in different districts, raising "one or more common questions of fact," § 1407(a).

The defendant banks, respondents here, moved to dismiss the Gelboim-Zacher complaint on the ground that the plaintiffs had suffered no antitrust injury. The District Court granted the motion, denied leave to amend the complaint, and dismissed the case in its entirety. Other cases made part of the multidistrict pretrial proceedings, however, presented discrete claims and remained before the District Court.

The Court of Appeals for the Second Circuit, acting on its own motion, dismissed the appeal filed by Gelboim and Zacher for want of appellate jurisdiction. We reverse the Second Circuit's judgment and hold that the Gelboim-Zacher complaint retained its independent status for purposes of appellate jurisdiction under § 1291. Petitioners' right to appeal ripened when the District Court dismissed their case, not upon eventual completion of multidistrict proceedings in all of the consolidated cases.

I

Three legal prescriptions figure in this case: Title 28 U. S. C. §§ 1291 and 1407, and Federal Rule of Civil Procedure 54(b).

Section 1291 gives the courts of appeals jurisdiction over appeals from "all final decisions of the district courts of the United States." A "final decision" is one "by which a district court disassociates itself from a case." *Swint* v. *Cham-*

bers County Comm'n, 514 U. S. 35, 42 (1995). While decisions of this Court have accorded § 1291 a "practical rather than a technical construction," *Mohawk Industries, Inc.* v. *Carpenter*, 558 U. S. 100, 106 (2009) (quoting *Cohen* v. *Beneficial Industrial Loan Corp.*, 337 U. S. 541, 546 (1949)), the statute's core application is to rulings that terminate an action, see *Catlin* v. *United States*, 324 U. S. 229, 233 (1945) (final decision is "one which ends the litigation on the merits and leaves nothing for the court to do but execute the judgment").

Rule 54(b) permits district courts to authorize immediate appeal of dispositive rulings on separate claims in a civil action raising multiple claims:

> "When an action presents more than one claim for relief . . . or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay."[1]

Rule 54(b) relaxes "the former general practice that, in multiple claims actions, *all* the claims had to be finally decided before an appeal could be entertained from a final decision upon any of them." *Sears, Roebuck & Co.* v. *Mackey*, 351 U. S. 427, 434 (1956). The Federal Rules allow a plaintiff to "state [in one complaint] as many separate claims . . . as it has." Rule 8(d)(3). Rule 54(b) was adopted in view of the breadth of the "civil action" the Rules allow, specifically "to avoid the possible injustice" of "delay[ing] judgment o[n] a distinctly separate claim [pending] adjudication of the entire case." Report of Advisory Committee on Proposed Amend-

[1] Compare Rule 54(b), which lodges discretion to authorize appeals in district courts, with Federal Rule of Civil Procedure 23(f), which authorizes courts of appeals to permit an immediate appeal from a district court order granting or denying class-action certification.

ments to Rules of Civil Procedure 70 (1946) (explaining that Rule 54(b) was recast in 1946 to avoid confusion and misapplication); see *Dickinson* v. *Petroleum Conversion Corp.*, 338 U. S. 507, 511 (1950) (Rule 54(b) responded to liberalized joinder of claims and parties under the Federal Rules, which "increased the danger of hardship and denial of justice through delay if each issue must await the determination of all issues as to all parties before a final judgment can be had"). The Rule thus aimed to augment, not diminish, appeal opportunity.

Section 1407 is of more recent vintage. Enacted in 1968 in response to a growing number of complex but related cases filed in multiple districts, § 1407 authorizes the Judicial Panel on Multidistrict Litigation (JPML) to transfer civil actions "involving one or more common questions of fact . . . to any district for coordinated or consolidated pretrial proceedings" in order to "promote the just and efficient conduct of such actions." § 1407(a); see H. R. Rep. No. 1130, 90th Cong., 2d Sess., 2 (1968) (§ 1407 codified procedures used in the early 1960's to resolve more than 1,800 separate actions filed against electrical equipment manufacturers in 33 District Courts, all of the actions seeking damages for antitrust law violations).

Transfer under § 1407 aims to "eliminate duplication in discovery, avoid conflicting rulings and schedules, reduce litigation cost, and save the time and effort of the parties, the attorneys, the witnesses, and the courts." Manual for Complex Litigation § 20.131, p. 220 (4th ed. 2004). "Each action" transferred pursuant to § 1407, the provision instructs, "shall be remanded by the panel at or before the conclusion of . . . pretrial proceedings to the district from which it was transferred unless it shall have been previously terminated." § 1407(a).

II

The London InterBank Offered Rate (LIBOR) is a benchmark interest rate disseminated by the British Bankers' As-

sociation based on the rate at which certain banks predict they can borrow funds. LIBOR is a reference point in determining interest rates for financial instruments in the United States and globally.

In August 2011, the JPML established MDL No. 2262 (LIBOR MDL) for cases involving allegations that the banks named as defendants understated their borrowing costs, thereby depressing LIBOR and enabling the banks to pay lower interest rates on financial instruments sold to investors. *In re Libor-Based Financial Instruments Antitrust Litigation*, 802 F. Supp. 2d 1380 (JPML 2011). Composing the LIBOR MDL, over 60 actions, commenced in California, Illinois, Iowa, Kansas, Massachusetts, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Texas, Virginia, and Wisconsin, were coordinated or consolidated for pretrial proceedings in the United States District Court for the Southern District of New York.

In June 2012, the District Court entertained a motion to dismiss four categories of cases included in the MDL. The first three categories involved putative class actions, each with a single lead case: (1) the Gelboim-Zacher action, filed on behalf of purchasers of bonds with LIBOR-linked interest rates; (2) an action filed on behalf of purchasers of over-the-counter LIBOR-based instruments (OTC plaintiffs); (3) an action filed on behalf of purchasers of LIBOR-based instruments on exchanges (Exchange plaintiffs). The fourth category, not relevant here, comprised a set of individual actions filed by Charles Schwab Corporation and related entities. The Gelboim-Zacher complaint asserted a federal antitrust claim under § 1 of the Sherman Act, 15 U. S. C. § 1, and that claim only, while the complaints in the other actions asserted a federal antitrust claim in addition to other differently based federal and state claims.

Determining that no plaintiff could assert a cognizable antitrust injury, the District Court granted the banks' motion to dismiss plaintiffs' antitrust claims—the sole claim raised

in the Gelboim-Zacher complaint. Assuming that the Gelboim-Zacher plaintiffs were entitled to an immediate appeal of right under § 1291 because their suit had been "dismissed in [its] entirety," App. to Pet. for Cert. 219a, the District Court granted Rule 54(b) certifications to the OTC and Exchange plaintiffs authorizing them to appeal the dismissal of their antitrust claims while their other claims remained pending in the District Court.

On its own initiative, the Second Circuit dismissed the Gelboim-Zacher appeal because the "orde[r] appealed from did not dispose of all claims in the consolidated action." *Id.*, at 2a.[2] The District Court thereafter withdrew its Rule 54(b) certifications in the OTC and Exchange plaintiffs' actions and, "given the reaction of the Second Circuit," App. 294, denied petitioners' request for a Rule 54(b) certification.

We granted review of the Second Circuit's judgment dismissing the Gelboim-Zacher appeal. 573 U. S. 945 (2014). Before this Court, petitioners Gelboim and Zacher contend that the order dismissing their case in its entirety removed them from the consolidated proceeding, thereby triggering their right to appeal under § 1291. Respondent banks urge that consolidated cases proceed as one unit for the duration of the consolidation. Consequently, they maintain, there is no appeal of right from an order dismissing fewer than all

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[2] The Second Circuit "strong[ly] presum[es]" that a "judgment in a consolidated [proceeding] that does not dispose of all [consolidated] claims . . . is not appealable absent Rule 54(b) certification." *Hageman* v. *City Investing Co.*, 851 F. 2d 69, 71 (1988). In this regard, the Circuit does not differentiate between all-purpose consolidations, see *ibid.* (actions "could originally have been brought as one action" and there was "no indication that the cases were consolidated only for limited purposes"); *Houbigant, Inc.* v. *IMG Fragrance Brands, LLC*, 627 F. 3d 497, 498 (2010) (*per curiam*) (actions consolidated "for all purposes"), and, as this case illustrates, § 1407 consolidations for pretrial proceedings only. The presumption may be overcome in "highly unusual circumstances," *Hageman*, 851 F. 2d, at 71, but the Second Circuit has not elaborated on what those circumstances might be.

consolidated claims, thus the sole avenue for appeal while the consolidation continues is Rule 54(b). Agreeing with Gelboim and Zacher, we reverse the Court of Appeals' judgment.

III

Cases consolidated for MDL pretrial proceedings ordinarily retain their separate identities,[3] so an order disposing of one of the discrete cases in its entirety should qualify under § 1291 as an appealable final decision. Section 1407 refers to individual "actions" which may be transferred to a single district court, not to any monolithic multidistrict "action" created by transfer. See *Lexecon Inc.* v. *Milberg Weiss Bershad Hynes & Lerach*, 523 U. S. 26, 37 (1998) (§ 1407 does not "imbu[e] transferred actions with some new and distinctive . . . character").[4] And Congress anticipated that, during the pendency of pretrial proceedings, final decisions might be rendered in one or more of the actions consolidated pursuant to § 1407. It specified that "at or before the conclusion of . . . pretrial proceedings," each of the transferred actions must be remanded to the originating district "*unless [the action] shall have been previously terminated.*" § 1407(a) (emphasis added).

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[3] Parties may elect to file a "master complaint" and a corresponding "consolidated answer," which supersede prior individual pleadings. In such a case, the transferee court may treat the master pleadings as merging the discrete actions for the duration of the MDL pretrial proceedings. *In re Refrigerant Compressors Antitrust Litigation*, 731 F. 3d 586, 590–592 (CA6 2013). No merger occurs, however, when "the master complaint is not meant to be a pleading with legal effect but only an administrative summary of the claims brought by all the plaintiffs." *Id.*, at 590.

[4] We express no opinion on whether an order deciding one of multiple cases combined in an all-purpose consolidation qualifies under § 1291 as a final decision appealable of right. See *Brown* v. *United States*, 976 F. 2d 1104, 1107 (CA7 1992) (cases consolidated for all purposes "become a single judicial unit," but where the consolidation is for limited purposes only, "a decision disposing of all the claims in only one of the cases is a final decision subject to immediate appeal").

The District Court's order dismissing the Gelboim-Zacher complaint for lack of antitrust injury, without leave to amend, had the hallmarks of a final decision. Ruling on the merits of the case, the District Court completed its adjudication of petitioners' complaint and terminated their action. As a result of the District Court's disposition, petitioners are no longer participants in the consolidated proceedings. Nothing about the initial consolidation of their civil action with other cases in the LIBOR MDL renders the dismissal of their complaint in any way tentative or incomplete. As is ordinarily the case, the § 1407 consolidation offered convenience for the parties and promoted efficient judicial administration, but did not meld the Gelboim-Zacher action and others in the MDL into a single unit. Cf. *supra*, at 413, n. 3.[5]

The banks' view that, in a § 1407 consolidation, no appeal of right accrues until the consolidation ends would leave plaintiffs like Gelboim and Zacher in a quandary about the proper timing of their appeals. Under Federal Rule of Appellate Procedure 4, which this Court has called "jurisdictional," *Bowles* v. *Russell*, 551 U. S. 205, 209 (2007), a notice of appeal in a civil case must be filed "within 30 days after entry of the judgment or order appealed from," Rule 4(a)(1)(A). If plaintiffs whose actions have been dismissed with prejudice by a district court must await the termination

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[5] In delineating the narrow scope of the "collateral-order" doctrine, we have cautioned against permitting piecemeal, *prejudgment* appeals. Those admonitions, cited by the banks, Brief for Respondents 18–19, are not pertinent here. Under the collateral order doctrine, an order may be deemed "final" if it disposes of a matter "separable from, and collateral to," the merits of the main proceeding, "too important to be denied review," and "too independent of the cause itself to require that appellate consideration be deferred until the whole case is adjudicated." *Cohen* v. *Beneficial Industrial Loan Corp.*, 337 U. S. 541, 546 (1949). The order dismissing the Gelboim-Zacher complaint in its entirety was in no sense "collateral," *i. e.*, "independent of the cause itself." Scarcely a *prejudgment* ruling, the dismissal order left nothing still pending decision in the District Court.

of pretrial proceedings in all consolidated cases, what event or order would start the 30-day clock? When pretrial consolidation concludes, there may be no occasion for the entry of any judgment. Orders may issue returning cases to their originating courts,[6] but an order of that genre would not qualify as the dispositive ruling Gelboim and Zacher seek to overturn on appeal. And surely would-be appellants need not await final disposition of all cases in their originating districts, long after pretrial consolidation under § 1407 could even arguably justify treating the cases as a judicial unit.

The sensible solution to the appeal-clock trigger is evident: When the transferee court overseeing pretrial proceedings in multidistrict litigation grants a defendant's dispositive motion "on all issues in some transferred cases, [those cases] become immediately appealable . . . while cases where other issues remain would not be appealable at that time." D. Herr, Multidistrict Litigation Manual § 9:21, p. 312 (2014).

The banks express concern that plaintiffs with the weakest cases may be positioned to appeal because their complaint states only one claim, while plaintiffs with stronger cases will be unable to appeal simultaneously because they have other claims still pending. Brief for Respondents 46–47. Rule 54(b) attends to this concern. District courts may grant certifications under that Rule, thereby enabling plaintiffs in actions that have not been dismissed in their entirety to pursue immediate appellate review. That is just what happened in this very case. The District Court granted Rule 54(b) certifications to the OTC and Exchange plaintiffs so they could appeal at the same time Gelboim and Zacher could. See *supra*, at 411. And if the MDL court believes that further proceedings might be relevant to a claim a defendant moves to dismiss, the court ordinarily can defer rul-

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[6] In fact, "[f]ew cases [consolidated pursuant to § 1407] are remanded for trial; most multidistrict litigation is settled in the transferee court." Manual for Complex Litigation § 20.132, p. 223 (4th ed. 2004).

ing on the motion, thus allowing all plaintiffs to participate in the ongoing MDL proceedings.

While Rule 54(b) can aid parties with multiple-claim complaints—here, the OTC and Exchange plaintiffs, *ibid.*—the Rule, properly read, is of no avail to Gelboim and Zacher. Rule 54(b) addresses orders finally adjudicating fewer than all claims presented in a civil action complaint. It "does not apply to a single claim action nor to a multiple claims action in which all of the claims have been finally decided." *Mackey*, 351 U. S., at 435; see *Liberty Mut. Ins. Co.* v. *Wetzel*, 424 U. S. 737, 742–743 (1976) (Rule 54(b) inapplicable where "complaint advanced a single legal theory which was applied to only one set of facts"). In short, Rule 54(b) is designed to permit acceleration of appeals in multiple-claim cases, not to retard appeals in single-claim cases.[7]

Section 1292(b), the banks conceded at argument, see Tr. of Oral Arg. 40–41, is inapposite here. It allows district courts to designate for review *interlocutory orders* "not otherwise appealable," where immediate appeal "may materially advance the ultimate termination of the litigation." § 1292(b). The designation may be accepted or rejected in the discretion of the court of appeals. *Ibid.* See generally Solimine, Revitalizing Interlocutory Appeals in the Federal Courts, 58 Geo. Wash. L. Rev. 1165 (1990); Note, Interlocutory Appeals in the Federal Courts Under 28 U. S. C. § 1292(b), 88 Harv. L. Rev. 607 (1975). It suffices to note that there is nothing "interlocutory" about the dismissal order in the Gelboim-Zacher action.

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[7] We need not decide whether or how Rule 54(b) applies to cases consolidated for all purposes involving closely related issues, actions that could have been brought under the umbrella of one complaint. Cf. *supra*, at 413, n. 4. The Rule surely was not designed to apply to numerous actions that the MDL panel combines for efficient pretrial proceedings because they have in common "one or more questions of fact," but otherwise vary in character.

* * *

For the reasons stated, we reverse the judgment of the U. S. Court of Appeals for the Second Circuit deeming the District Court's dismissal of the Gelboim-Zacher complaint unripe for appellate review, and we remand the case for further proceedings consistent with this opinion.

It is so ordered.

Syllabus

HANA FINANCIAL, INC. *v.* HANA BANK ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 13–1211. Argued December 3, 2014—Decided January 21, 2015

Petitioner, Hana Financial, Inc., and respondent Hana Bank both provide financial services to individuals in the United States. When Hana Financial sued Hana Bank for trademark infringement, Hana Bank invoked in defense the tacking doctrine, under which lower courts have provided that a trademark user may make certain modifications to its mark over time while, in limited circumstances, retaining its priority position. Petitioner's claim was tried before a jury, and the District Court adopted in substantial part the jury instruction on tacking proposed by petitioner. The jury returned a verdict in Hana Bank's favor. Affirming, the Ninth Circuit explained that the tacking inquiry was an exceptionally limited and highly fact-sensitive matter reserved for juries, not judges.

Held: Whether two trademarks may be tacked for purposes of determining priority is a question for the jury. Pp. 422–426.

(a) Lower courts have held that two marks may be tacked when they are considered to be "legal equivalents," *i. e.*, they "create the same, continuing commercial impression." *Van Dyne-Crotty, Inc.* v. *Wear-Guard Corp.*, 926 F. 2d 1156, 1159. And "commercial impression" "must be viewed through the eyes of a consumer." *DuoProSS Meditech Corp.* v. *Inviro Medical Devices, Ltd.*, 695 F. 3d 1247, 1253. When the relevant question is how an ordinary person or community would make an assessment, the jury is generally the decisionmaker that ought to provide the fact-intensive answer. See, *e. g.*, *United States* v. *Gaudin*, 515 U. S. 506, 512. Pp. 422–423.

(b) Each of petitioner's four arguments in support of its view that tacking is a question of law to be resolved by a judge is unpersuasive. First, it may be true that the "legal equivalents" test involves a legal standard, but such " 'mixed question[s] of law and fac[t],' [have] typically been resolved by juries." *Gaudin*, 515 U. S., at 512. And any concern that a jury may improperly apply the relevant legal standard can be remedied by crafting careful jury instructions. Second, petitioner offers no support for its claim that tacking determinations create new law in a unique way that requires those determinations to be reserved for judges. Third, petitioner worries that the predictability required for a functioning trademark system will be absent if tacking questions are

assigned to juries, but offers no reason why trademark tacking should be treated differently from the tort, contract, and criminal justice systems, where juries answer often-dispositive factual questions or make dispositive applications of legal standards to facts. Finally, in arguing that judges have historically resolved tacking disputes, petitioner points to cases arising in the contexts of bench trials, summary judgment, and the like, in which it is undisputed that judges may resolve tacking disputes. Pp. 423–426.

735 F. 3d 1158, affirmed.

SOTOMAYOR, J., delivered the opinion for a unanimous Court.

Paul W. Hughes argued the cause for petitioner. With him on the briefs were *Charles A. Rothfeld* and *James F. Tierney.*

Carlo F. Van den Bosch argued the cause for respondents. With him on the brief were *Robert D. Rose*, *Michelle LaVoie Wisniewski*, and *Gazal Pour-Moezzi.*

Sarah E. Harrington argued the cause for the United States as *amicus curiae* urging affirmance. With her on the brief were *Solicitor General Verrilli*, *Acting Assistant Attorney General Branda*, *Deputy Solicitor General Stewart*, *Mark R. Freeman*, *Megan Barbero*, *Thomas W. Krause*, and *Amy J. Nelson.**

JUSTICE SOTOMAYOR delivered the opinion of the Court.

Rights in a trademark are determined by the date of the mark's first use in commerce. The party who first uses a mark in commerce is said to have priority over other users. Recognizing that trademark users ought to be permitted to make certain modifications to their marks over time without losing priority, lower courts have provided that, in limited circumstances, a party may clothe a new mark with the pri-

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**Anthony J. Dreyer*, *Mark N. Mutterperl*, *David J. Ball*, *Jessica S. Parise*, and *Steven Pokotilow* filed a brief for the International Trademark Association as *amicus curiae* urging affirmance.

Amie Peele Carter filed a brief for the American Intellectual Property Law Association as *amicus curiae.*

ority position of an older mark. This doctrine is called "tacking," and lower courts have found tacking to be available when the original and revised marks are "legal equivalents" in that they create the same, continuing commercial impression. The question presented here is whether a judge or a jury should determine whether tacking is available in a given case. Because the tacking inquiry operates from the perspective of an ordinary purchaser or consumer, we hold that a jury should make this determination.

I

Petitioner, Hana Financial, and respondent Hana Bank, a subsidiary of respondent Hana Financial Group, both provide financial services to individuals in the United States. Hana Bank (hereinafter respondent) was established in 1971 as a Korean entity called Korea Investment Finance Corporation. In 1991, that entity changed its name to "Hana Bank" and began using this name in Korea. In 1994, it established a service called Hana Overseas Korean Club to provide financial services to Korean expatriates, and specifically advertised that service in the United States. Those advertisements used the name "Hana Overseas Korean Club" in both English and Korean, and included the name "Hana Bank" in Korean and respondent's "dancing man" logo. See App. 206. In 2000, respondent changed the name of the Hana Overseas Korean Club to "Hana World Center." In 2002, respondent began operating a bank in the United States under the name "Hana Bank." This enterprise amounted to respondent's first physical presence in the United States.

Petitioner was established in 1994 as a California corporation called Hana Financial. It began using that name and an associated trademark in commerce in 1995. In 1996, it obtained a federal trademark registration for a pyramid logo with the name "Hana Financial" for use in connection with financial services.

In 2007, petitioner sued respondent, alleging infringement of its "Hana Financial" mark. As relevant here, respondent denied infringement by invoking the tacking doctrine and claiming that it had priority. The District Court initially granted summary judgment to respondent on the infringement claim, but the Court of Appeals for the Ninth Circuit reversed, holding that there were genuine issues of material fact as to priority. On remand, the infringement claim was tried before a jury. The District Court adopted in substantial part the jury instruction proposed by petitioner, and, without objection from petitioner, instructed the jury as follows:

> "A party may claim priority in a mark based on the first use date of a similar but technically distinct mark where the previously used mark is the legal equivalent of the mark in question or indistinguishable therefrom such that consumers consider both as the same mark. This is called 'tacking.' The marks must create the same, continuing commercial impression, and the later mark should not materially differ from or alter the character of the mark attempted to be tacked." App. 173; see *id.*, at 140 (proposed instruction).

The jury returned a verdict in favor of respondent, and the District Court denied petitioner's motion for judgment as a matter of law.

The Court of Appeals for the Ninth Circuit affirmed. The court explained that, although tacking applies only in "exceptionally narrow circumstances," 735 F. 3d 1158, 1160 (2013) (internal quotation marks omitted), it "'requires a highly fact-sensitive inquiry'" that is "reserved for the jury," *ibid.* (quoting *One Industries, LLC* v. *Jim O'Neal Distributing, Inc.*, 578 F. 3d 1154, 1160 (CA9 2009)). The court acknowledged, however, that whether tacking should be decided by juries or judges "is the subject of a circuit split." 735 F. 3d, at 1164, n. 5 (noting that the Federal and Sixth Circuits

"evaluate tacking as a question of law"); see *Van Dyne-Crotty, Inc.* v. *Wear-Guard Corp.*, 926 F. 2d 1156, 1159 (CA Fed. 1991); *Data Concepts, Inc.* v. *Digital Consulting, Inc.*, 150 F. 3d 620, 623 (CA6 1998).

We granted certiorari, 573 U. S. 930 (2014), and now affirm.

II

As discussed above, the general rule adopted by lower courts has been that two marks may be tacked when the original and revised marks are "legal equivalents." This term refers to two marks that "create the same, continuing commercial impression" so that consumers "consider both as the same mark."[1] *Van Dyne-Crotty, Inc.*, 926 F. 2d, at 1159 (internal quotation marks omitted); see, *e. g.*, *George & Co., LLC* v. *Imagination Entertainment Ltd.*, 575 F. 3d 383, 402 (CA4 2009); *Brookfield Communications, Inc.* v. *West Coast Entertainment Corp.*, 174 F. 3d 1036, 1047–1048 (CA9 1999); *Data Concepts, Inc.*, 150 F. 3d, at 623. "The commercial impression that a mark conveys must be viewed through the eyes of a consumer." *DuoProSS Meditech Corp.* v. *Inviro Medical Devices, Ltd.*, 695 F. 3d 1247, 1253 (CA Fed. 2012); see 3 J. McCarthy, Trademarks and Unfair Competition § 17:26, p. 17–71 (4th ed. 2014) ("'Commercial impression,' like most issues in trademark law, should be determined from the perspective of the ordinary purchaser of these kinds of goods or services").

Application of a test that relies upon an ordinary consumer's understanding of the impression that a mark conveys falls comfortably within the ken of a jury. Indeed, we have long recognized across a variety of doctrinal contexts that, when the relevant question is how an ordinary person or community would make an assessment, the jury is generally the decisionmaker that ought to provide the fact-intensive answer. See, *e. g.*, *United States* v. *Gaudin*, 515

[1] The parties do not question the existence of the tacking doctrine or this substantive standard.

U. S. 506, 512 (1995) (recognizing that "'delicate assessments of the inferences a "reasonable [decisionmaker]" would draw . . . [are] peculiarly one[s] for the trier of fact'" (quoting *TSC Industries, Inc.* v. *Northway, Inc.*, 426 U. S. 438, 450 (1976); first alteration in original); *id.*, at 450, n. 12 (observing that the jury has a "unique competence in applying the 'reasonable man' standard"); *Hamling* v. *United States*, 418 U. S. 87, 104–105 (1974) (emphasizing "the ability of the juror to ascertain the sense of the 'average person'" by drawing upon "his own knowledge of the views of the average person in the community or vicinage from which he comes" and his "knowledge of the propensities of a 'reasonable' person"); *Railroad Co.* v. *Stout*, 17 Wall. 657, 664 (1874) ("It is assumed that twelve men know more of the common affairs of life than does one man, [and] that they can draw wiser and safer conclusions from admitted facts thus occurring than can a single judge").

This is certainly not to say that a judge may never determine whether two marks may be tacked. If the facts warrant it, a judge may decide a tacking question on a motion for summary judgment or for judgment as a matter of law. See Fed. Rules Civ. Proc. 50, 56(a). And if the parties have opted to try their case before a judge, the judge may of course decide a tacking question in his or her factfinding capacity. We hold only that, when a jury trial has been requested and when the facts do not warrant entry of summary judgment or judgment as a matter of law, the question whether tacking is warranted must be decided by a jury.

III

Attempting to overcome our conclusion, petitioner offers four reasons why, in its view, tacking is a question of law that should be resolved by a judge. None persuades us.

Petitioner first observes that the "legal equivalents" test involves the application of a legal standard. See Brief for Petitioner 20. True enough, but "the application-of-legal-

standard-to-fact sort of question . . . , commonly called a 'mixed question of law and fact,' has typically been resolved by juries." *Gaudin*, 515 U. S., at 512; see *id.*, at 514 ("[T]he jury's constitutional responsibility is not merely to determine the facts, but to apply the law to those facts and draw the ultimate conclusion . . . "); *Miller* v. *Fenton*, 474 U. S. 104, 113 (1985) ("[A]n issue does not lose its factual character merely because its resolution is dispositive of the ultimate . . . question"). The "mixed" analysis that takes place during the tacking inquiry is no different. And insofar as petitioner is concerned that a jury may improperly apply the relevant legal standard, the solution is to craft careful jury instructions that make that standard clear. Here, however, petitioner can hardly criticize the instruction the District Court gave the jury, as it was essentially the instruction petitioner proposed.

Second, petitioner argues that tacking determinations will "create new law that will guide future tacking disputes"—a task reserved for judges. Brief for Petitioner 21. It is not at all clear, however, why a tacking determination in a particular case will "create new law" any more than will a jury verdict in a tort case, a contract dispute, or a criminal proceeding. Petitioner insists that tacking questions "have to be" resolved by comparing two marks in a given case "against those addressed in other tacking cases," *id.*, at 22, but we do not agree. Of course, in deciding summary judgment motions, or in making rulings in bench trials, judges may look to past cases holding that trademark owners either were or were not entitled to tacking as a matter of law. But petitioner offers no support for the claim that tacking cases "have to be" resolved by reliance on precedent. Indeed, in many of the cases petitioner cites in support of this argument, the courts in question relied on precedent only to define the relevant legal standard. See, *e. g.*, *Specht* v. *Google Inc.*, 758 F. Supp. 2d 570, 583–585 (ND Ill. 2010), aff'd, 747 F. 3d 929 (CA7 2014); *Children's Legal Servs.*

PLLC v. *Kresch*, 2008 WL 1901245, *1–*2 (ED Mich., Apr. 25, 2008), aff'd *sub nom. Children's Legal Servs., P. L. L. C.* v. *Saiontz, Kirk & Miles, P. A.*, 2009 WL 1868809 (CA6, June 18, 2009).[2]

Third, and related, petitioner worries that the predictability required for a functioning trademark system will be absent if tacking questions are assigned to juries. See Brief for Petitioner 25–27. But, again, the same could be said about the tort, contract, and criminal justice systems: In all of these areas, juries answer often-dispositive factual questions or make dispositive applications of legal standards to facts. The fact that another jury, hearing the same case, might reach a different conclusion may make the system "unpredictable," but it has never stopped us from employing juries in these analogous contexts. Petitioner has offered no reason why trademark tacking ought to be treated differently. Moreover, decisionmaking in fact-intensive disputes necessarily requires judgment calls. Regardless of whether those judgment calls are made by juries or judges, they necessarily involve some degree of uncertainty, particularly when they have to do with how reasonable persons would behave.

Finally, petitioner argues that, as a historical matter, judges have resolved tacking disputes. See Brief for Petitioner 30–35. But petitioner relies on cases in which judges have resolved tacking disputes in bench trials, at summary judgment, or the like. See, *e. g.*, *Drexel Enterprises, Inc.* v.

[2] Our decision in *Markman* v. *Westview Instruments, Inc.*, 517 U. S. 370 (1996), is not to the contrary. In *Markman*, we held that the task of construing patent terms falls to judges and not to juries. We held as much because "[t]he construction of written instruments is one of those things that judges often do and are likely to do better than jurors unburdened by training in exegesis." *Id.*, at 388; see *Teva Pharmaceuticals USA, Inc.* v. *Sandoz, Inc.*, *ante*, at 325. The tacking inquiry, by contrast, involves a factual judgment about whether two marks give the same impression to consumers. Making that kind of judgment is, as discussed above, not "one of those things that judges often do" better than jurors.

Richardson, 312 F. 2d 525, 526 (CA10 1962) ("[This action] was tried without a jury"); *Perfectform Corp.* v. *Perfect Brassiere Co.*, 256 F. 2d 736, 738 (CA3 1958) ("The district court dismissed the complaint"); *John Morrell & Co.* v. *Hauser Packing Co.*, 20 F. 2d 713 (CA9 1927) ("In the court below, there was a dismissal both of the bill and of defendant's counterclaim"); *Beech-Nut Packing Co.* v. *P. Lorillard Co.*, 299 F. 834, 835 (NJ 1924) (equitable claims tried solely before a judge). As we have noted, it is undisputed that judges may resolve tacking disputes in those contexts. But recognizing as much does not gainsay our conclusion that, when a jury is to be empaneled and when the facts warrant neither summary judgment nor judgment as a matter of law, tacking is a question for the jury.

* * *

The Ninth Circuit correctly held that whether two marks may be tacked for purposes of determining priority is a question for the jury. Accordingly, the judgment of the Ninth Circuit is affirmed.

It is so ordered.

Syllabus

M&G POLYMERS USA, LLC, ET AL. *v.* TACKETT ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 13–1010. Argued November 10, 2014—Decided January 26, 2015

When petitioner M&G Polymers USA, LLC (M&G), purchased the Point Pleasant Polyester Plant in 2000, it entered into a collective-bargaining agreement and related Pension, Insurance, and Service Award Agreement (P & I agreement) with respondent union. As relevant here, the P & I agreement provided that certain retirees, along with their surviving spouses and dependents, would "receive a full Company contribution towards the cost of [health care] benefits"; that such benefits would be provided "for the duration of [the] Agreement"; and that the agreement would be subject to renegotiation in three years.

Following the expiration of those agreements, M&G announced that it would require retirees to contribute to the cost of their health care benefits. Respondent retirees, on behalf of themselves and others similarly situated, sued M&G and related entities, alleging that the P & I agreement created a vested right to lifetime contribution-free health care benefits.

The District Court dismissed the complaint for failure to state a claim, but the Sixth Circuit reversed based on the reasoning of its earlier decision in *International Union, United Auto, Aerospace, and Agricultural Implement Workers of Am.* v. *Yard-Man, Inc.*, 716 F. 2d 1476. On remand, the District Court ruled in favor of the retirees, and the Sixth Circuit affirmed.

Held: The Sixth Circuit's decision rested on principles that are incompatible with ordinary principles of contract law. Pp. 434–442.

(a) The Employee Retirement Income Security Act of 1974 (ERISA) governs pension and welfare benefits plans, including those established by collective-bargaining agreements. ERISA establishes minimum funding and vesting standards for pension plans, but exempts welfare benefits plans—which provide the types of benefits at issue here—from those rules. See 29 U. S. C. §§ 1051(1), 1053, 1081(a)(2), 1083. "[E]mployers have large leeway to design . . . welfare plans as they see fit." *Black & Decker Disability Plan* v. *Nord*, 538 U. S. 822, 833. Pp. 434–435.

(b) This Court interprets collective-bargaining agreements, including those establishing ERISA plans, according to ordinary principles of contract law, at least when those principles are not inconsistent with federal

labor policy. See *Textile Workers* v. *Lincoln Mills of Ala.*, 353 U. S. 448, 456–457. When a collective-bargaining agreement is unambiguous, its meaning must be ascertained in accordance with its plainly expressed intent. 11 R. Lord, Williston on Contracts § 30:6, p. 108. P. 435.

(c) In *Yard-Man,* the Sixth Circuit found a provision governing retiree insurance benefits ambiguous as to the duration of those benefits; and, looking to other provisions of the agreement, purported to apply ordinary contract law to resolve the ambiguity. First, the court inferred from the existence of termination provisions for other benefits that the absence of a termination provision specifically addressing retiree benefits expressed an intent to vest those benefits for life. The court then purported to apply the rule that contracts should be interpreted to avoid illusory promises, reasoning that, absent vesting, the promise would be illusory for the subset of retirees who would not become eligible for those benefits before the contract expired. Finally, the court relied on "the context" of labor negotiations to resolve the ambiguity, inferring that the parties would have intended such benefits to vest for life because they are not mandatory subjects of collective bargaining; are "typically understood as a form of delayed compensation," 716 F. 2d, at 1482; and are keyed to the acquisition of retirement status. The court concluded that these contextual clues "outweigh[ed] any contrary implications derived from a routine duration clause." *Id.*, at 1483. The Sixth Circuit has since extended its *Yard-Man* analysis in a series of other cases. Pp. 436–438.

(d) The inferences applied in *Yard-Man* and its progeny do not represent ordinary principles of contract law. *Yard-Man* distorts the attempt to ascertain the intention of the parties by placing a thumb on the scale in favor of vested retiree benefits in all collective-bargaining agreements. Rather than relying on known customs and usages in a particular industry as proved by the parties, the *Yard-Man* court relied on its own suppositions about the intentions of parties negotiating retiree benefits. It then compounded the error by applying those suppositions indiscriminately across industries. Furthermore, the Sixth Circuit's refusal to apply general durational clauses to provisions governing retiree benefits distorts an agreement's text and conflicts with the principle that a written agreement is presumed to encompass the whole agreement of the parties.

Perhaps tugged by its inferences, the Sixth Circuit also misapplied the illusory promises doctrine. It construed provisions that admittedly benefited some class of retirees as "illusory" merely because they did not benefit *all* retirees. That interpretation is a contradiction in terms—a promise that is "partly illusory" is by definition not illusory. And its use of this doctrine is particularly inappropriate in the context

Syllabus

of collective-bargaining agreements, which often include provisions inapplicable to some category of employees.

The Sixth Circuit also failed even to consider other traditional contract principles, including the rule that courts should not construe ambiguous writings to create lifetime promises and the rule that "contractual obligations will cease, in the ordinary course, upon termination of the bargaining agreement," *Litton Financial Printing Div., Litton Business Systems, Inc.* v. *NLRB*, 501 U. S. 190, 207. Pp. 438–442.

(e) Though there is no doubt that *Yard-Man* and its progeny affected the outcome here, the Sixth Circuit should be the first to review the agreements under ordinary principles of contract law. P. 442.

733 F. 3d 589, vacated and remanded.

THOMAS, J., delivered the opinion for a unanimous Court. GINSBURG, J., filed a concurring opinion, in which BREYER, SOTOMAYOR, and KAGAN, JJ., joined, *post*, p. 443.

Allyson N. Ho argued the cause for petitioners. With her on the briefs were *Christopher A. Weals*, *R. Randall Tracht*, and *Andrew Scroggins*.

Julia Penny Clark argued the cause for respondents. With her on the brief were *Jeremiah A. Collins*, *Joshua B. Shiffrin*, *Laurence Gold*, *David M. Cook*, *Jennie G. Arnold*, and *Joseph P. Stuligross*.*

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*Briefs of *amici curiae* urging reversal were filed for the Chamber of Commerce of the United States of America et al. by *Linda T. Coberly*, *Joseph J. Torres*, *William P. Ferranti*, *Kate Comerford Todd*, and *Warren Postman*; for the Council on Labor Law Equality et al. by *John Woodrum* and *Brian D. Black*; for the ERISA Industry Committee et al. by *Christopher Landau*, *Howard Shapiro*, *Kathryn M. Wilber*, and *Debra A. Davis*; for the National Association of Manufacturers by *Bobby R. Burchfield* and *Joshua D. Rogaczewski*; and for Whirlpool Corp. by *Douglas A. Darch* and *Alexis S. Hawley*.

Briefs of *amici curiae* urging affirmance were filed for the American Federation of Labor et al. by *Lynn K. Rhinehart*, *Harold C. Becker*, and *James B. Coppess*; for Fox Retiree Committee et al. by *Roger J. McCrow*; and for Labor and Benefits Law Professors by *Charlotte Garden* and *Kathleen Phair Barnard*.

Thomas C. Goldstein and *Tejinder Singh* filed a brief for Goldstein & Russell, P. C., as *amicus curiae*.

JUSTICE THOMAS delivered the opinion of the Court.

This case arises out of a disagreement between a group of retired employees and their former employer about the meaning of certain expired collective-bargaining agreements. The retirees (and their former union) claim that these agreements created a right to lifetime contribution-free health care benefits for retirees, their surviving spouses, and their dependents. The employer, for its part, claims that those provisions terminated when the agreements expired. The United States Court of Appeals for the Sixth Circuit sided with the retirees, relying on its conclusion in *International Union, United Auto, Aerospace, and Agricultural Implement Workers of Am.* v. *Yard-Man, Inc.*, 716 F. 2d 1476, 1479 (1983), that retiree health care benefits are unlikely to be left up to future negotiations. We granted certiorari and now conclude that such reasoning is incompatible with ordinary principles of contract law. We therefore vacate the judgment of the Court of Appeals and remand for it to apply ordinary principles of contract law in the first instance.

I

A

Respondents Hobert Freel Tackett, Woodrow K. Pyles, and Harlan B. Conley worked at (and retired from) the Point Pleasant Polyester Plant in Apple Grove, West Virginia (hereinafter referred to as the Plant). During their employment, respondent United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC, or its predecessor unions (hereinafter referred to as the Union), represented them in collective bargaining. Tackett and Pyles retired in 1996, and Conley retired in 1998. They represent a class of retired employees from the Plant, along with their surviving spouses and other dependents. Petitioner M&G Polymers USA, LLC, is the current owner of the Plant.

When M&G purchased the Plant in 2000, it entered into a master collective-bargaining agreement and a Pension, Insurance, and Service Award Agreement (P & I agreement) with the Union, generally similar to agreements the Union had negotiated with M&G's predecessor. The P & I agreement provided for retiree health care benefits as follows:

> "Employees who retire on or after January 1, 1996 and who are eligible for and receiving a monthly pension under the 1993 Pension Plan . . . whose full years of attained age and full years of attained continuous service . . . at the time of retirement equals 95 or more points will receive a full Company contribution towards the cost of [health care] benefits described in this Exhibit B–1 . . . . Employees who have less than 95 points at the time of retirement will receive a reduced Company contribution. The Company contribution will be reduced by 2% for every point less than 95. Employees will be required to pay the balance of the health care contribution, as estimated by the Company annually in advance, for the [health care] benefits described in this Exhibit B–1. Failure to pay the required medical contribution will result in cancellation of coverage." App. 415–416.

Exhibit B–1, which described the health care benefits at issue, opened with the following durational clause: "Effective January 1, 1998, and for the duration of this Agreement thereafter, the Employer will provide the following program of hospital benefits, hospital-medical benefits, surgical benefits and prescription drug benefits for eligible employees and their dependents . . . ." *Id.*, at 377–378 (emphasis deleted). The P & I agreement provided for renegotiation of its terms in three years.[1]

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[1] In accordance with this provision, M&G and the Union began bargaining anew in 2003, ultimately reaching a new agreement in 2005. The provisions of the existing agreements remained in effect during the course of those negotiations. See App. to Pet. for Cert. 25, n. 1.

B

In December 2006, M&G announced that it would begin requiring retirees to contribute to the cost of their health care benefits. Respondent retirees, on behalf of themselves and others similarly situated, sued M&G and related entities, alleging that the decision to require these contributions breached both the collective-bargaining agreement and the P & I agreement, in violation of § 301 of the Labor Management Relations Act, 1947 (LMRA), and § 502(a)(1)(B) of the Employee Retirement Income Security Act of 1974 (ERISA), 88 Stat. 891.[2] Specifically, the retirees alleged that M&G had promised to provide lifetime contribution-free health care benefits for them, their surviving spouses, and their dependents. They pointed to the language in the 2000 P & I agreement providing that employees with a certain level of seniority "will receive a full Company contribution towards the cost of [health care] benefits described in . . . Exhibit B–1." The retirees alleged that, with this promise, M&G had created a vested right to such benefits that continued beyond the expiration of the 2000 P & I agreement.

The District Court dismissed the complaint for failure to state a claim. 523 F. Supp. 2d 684, 696 (SD Ohio 2007). It concluded that the cited language unambiguously did not create a vested right to retiree benefits.

The Court of Appeals reversed based on the reasoning of its earlier decision in *Yard-Man*. 561 F. 3d 478 (CA6 2009) (*Tackett I*). *Yard-Man* involved a similar claim that an employer had breached a collective-bargaining agreement when it terminated retiree benefits. 716 F. 2d, at 1478. Although the court found the text of the provision in that case ambiguous, it relied on the "context" of labor negotiations to resolve

[2] The Union was a plaintiff in the suit and is a respondent here. For ease of reference, we refer to the respondents collectively as "the retirees."

that ambiguity in favor of the retirees' interpretation. *Id.*, at 1482. Specifically, the court inferred that parties to collective bargaining would intend retiree benefits to vest for life because such benefits are "not mandatory" or required to be included in collective-bargaining agreements, are "typically understood as a form of delayed compensation or reward for past services," and are keyed to the acquisition of retirement status. *Ibid.* The court concluded that these inferences "outweigh[ed] any contrary implications [about the termination of retiree benefits] derived from" general termination clauses. *Id.*, at 1483.

Applying the *Yard-Man* inferences on review of the District Court's dismissal of the action, the Court of Appeals concluded that the retirees had stated a plausible claim. *Tackett I*, 561 F. 3d, at 490. "Keeping in mind the context of the labor-management negotiations identified in *Yard-Man*," the court found "it unlikely that [the Union] would agree to language that ensures its members a 'full Company contribution,' if the company could unilaterally change the level of contribution." *Ibid.* The court construed the language about "employees" contributing to their health care premiums as limited to employees who had not attained the requisite seniority points to be entitled to a full company contribution. *Ibid.* And it discerned an intent to vest lifetime contribution-free health care benefits from provisions tying eligibility for health care benefits to eligibility for pension benefits. *Id.*, at 490–491.

On remand, the District Court conducted a bench trial and ruled in favor of the retirees. It declined to revisit the question whether the P & I agreement created a vested right to retiree benefits, concluding that the Court of Appeals had definitively resolved that issue. It then issued a permanent injunction ordering M&G to reinstate contribution-free health care benefits for the individual respondents and similarly situated retirees. 853 F. Supp. 2d 697 (SD Ohio 2012).

The Court of Appeals affirmed, concluding that, although the District Court had erred in treating *Tackett I* as a conclusive resolution of the meaning of the P & I agreement, it had not erred in "presum[ing]" that, "in the absence of extrinsic evidence to the contrary, the agreements indicated an intent to vest lifetime contribution-free benefits." 733 F. 3d 589, 600 (CA6 2013) (*Tackett II*). And because the District Court had concluded that the proffered extrinsic evidence was inapplicable, it had not clearly erred in finding that the agreement created those vested rights.

We granted certiorari, 572 U. S. 1099 (2014), and now vacate and remand.

II

This case is about the interpretation of collective-bargaining agreements that define rights to welfare benefits plans. The LMRA grants federal courts jurisdiction to resolve disputes between employers and labor unions about collective-bargaining agreements. 29 U. S. C. § 185. When collective-bargaining agreements create pension or welfare benefits plans, those plans are subject to rules established in ERISA. ERISA defines pension plans as plans, funds, or programs that "provid[e] retirement income to employees" or that "resul[t] in a deferral of income." § 1002(2)(A). It defines welfare benefits plans as plans, funds, or programs established or maintained to provide participants with additional benefits, such as life insurance and disability coverage. § 1002(1).

ERISA treats these two types of plans differently. Although ERISA imposes elaborate minimum funding and vesting standards for pension plans, §§ 1053, 1082, 1083, 1084, it explicitly exempts welfare benefits plans from those rules, §§ 1051(1), 1081(a)(1). Welfare benefits plans must be "established and maintained pursuant to a written instrument," § 1102(a)(1), but "[e]mployers or other plan sponsors are generally free under ERISA, for any reason at any time,

to adopt, modify, or terminate welfare plans," *Curtiss-Wright Corp.* v. *Schoonejongen*, 514 U. S. 73, 78 (1995). As we have previously recognized: "[E]mployers have large leeway to design disability and other welfare plans as they see fit." *Black & Decker Disability Plan* v. *Nord*, 538 U. S. 822, 833 (2003). And, we have observed, the rule that contractual "provisions ordinarily should be enforced as written is especially appropriate when enforcing an ERISA [welfare benefits] plan." *Heimeshoff* v. *Hartford Life & Accident Ins. Co.*, 571 U. S. 99, 108 (2013). That is because the "focus on the written terms of the plan is the linchpin of a system that is not so complex that administrative costs, or litigation expenses, unduly discourage employers from offering [welfare benefits] plans in the first place." *Ibid.* (internal quotation marks, brackets, and citation omitted).

We interpret collective-bargaining agreements, including those establishing ERISA plans, according to ordinary principles of contract law, at least when those principles are not inconsistent with federal labor policy. See *Textile Workers* v. *Lincoln Mills of Ala.*, 353 U. S. 448, 456–457 (1957). "In this endeavor, as with any other contract, the parties' intentions control." *Stolt-Nielsen S. A.* v. *AnimalFeeds Int'l Corp.*, 559 U. S. 662, 682 (2010) (internal quotation marks omitted). "Where the words of a contract in writing are clear and unambiguous, its meaning is to be ascertained in accordance with its plainly expressed intent." 11 R. Lord, Williston on Contracts § 30:6, p. 108 (4th ed. 2012) (Williston) (internal quotation marks omitted). In this case, the Court of Appeals applied the *Yard-Man* inferences to conclude that, in the absence of extrinsic evidence to the contrary, the provisions of the contract indicated an intent to vest retirees with lifetime benefits. *Tackett II*, 733 F. 3d, at 599–600. As we now explain, those inferences conflict with ordinary principles of contract law.

III

A

1

The Court of Appeals has long insisted that its *Yard-Man* inferences are drawn from ordinary contract law. In *Yard-Man* itself, the court purported to apply "traditional rules for contractual interpretation." 716 F. 2d, at 1479. The court first concluded that the provision governing retiree insurance benefits—which stated only that the employer "will provide" such benefits—was ambiguous as to the duration of those benefits. *Id.*, at 1480. To resolve that ambiguity, it looked to other provisions of the agreement. The agreement included provisions for terminating active employees' insurance benefits in the case of layoffs and for terminating benefits for a retiree's spouse and dependents in case of the retiree's death before the expiration of the collective-bargaining agreement, but no provision specifically addressed the duration of retiree health care benefits. *Id.*, at 1481–1482. From the existence of these termination provisions and the absence of a termination provision specifically addressing retiree benefits, the court inferred an intent to vest those retiree benefits for life.

The court then purported to apply the rule that contracts should be interpreted to avoid illusory promises. It noted that the retiree insurance provisions "contain[ed] a promise that the company will pay an early retiree's insurance upon such retiree reaching age 65 but that the retiree must bear the cost of company insurance until that time." *Id.*, at 1481. Employees could retire at age 55, but the agreement containing this promise applied only for a 3-year term. *Ibid.* Thus, retirees between the ages of 55 and 62 would not turn 65 and become eligible for the company contribution before the 3-year agreement expired. In light of this fact, the court reasoned that the promise would be "completely illusory for many early retirees under age 62" if the retiree benefits terminated when the contract expired. *Ibid.*

Finally, the court turned to "the context" of labor negotiations. *Id.*, at 1482. It observed that "[b]enefits for retirees are . . . not mandatory subjects of collective bargaining" and that "employees are presumably aware that the union owes no obligation to bargain for continued benefits for retirees." *Ibid.* Based on these observations, the court concluded that "it is unlikely that such benefits . . . would be left to the contingencies of future negotiations." *Ibid.* It also asserted that "retiree benefits are in a sense 'status' benefits which, as such, carry with them an inference that they continue so long as the prerequisite status is maintained." *Ibid.*

Although the contract included a general durational clause—meaning that the contract itself would expire at a set time—the court concluded that these contextual clues "outweigh[ed] any contrary implications derived from a routine duration clause." *Id.*, at 1483.

2

Two years after *Yard-Man*, the court took this analysis even further. In a dispute between retirees and a steel company over retiree health insurance benefits, it construed the language "will continue to provide at its expense, supplemental medicare and major medical benefits for Pensioners aged 65 and over" to "*unambiguously* confe[r]" lifetime benefits. *Policy* v. *Powell Pressed Steel Co.*, 770 F. 2d 609, 615 (CA6 1985) (emphasis added). Yet it had interpreted similar language—"will provide insurance benefits equal to the active group"—to be *ambiguous* in *Yard-Man*. The court refused to give any weight to provisions that supported a contrary construction—namely, one establishing a fund to pay pension, but not welfare, benefits, and another providing for the continuation of pension, but not welfare, benefits after the agreement expired. *Policy*, 770 F. 2d, at 615–616. According to the court, a contrary interpretation "would render the Company's promise [of benefits for retirees aged 65 and

over] in substantial part nugatory and illusory" to retirees who were 62 or younger when the 3-year agreement was signed. *Ibid.* And it faulted the District Court for failing "to give effect" to *Yard-Man*'s admonition "that retiree benefits normally . . . are interminable." 770 F. 2d, at 616.

The Court of Appeals has continued to extend the reasoning of *Yard-Man*. Relying on *Yard-Man*'s statement that context considerations outweigh the effect of a general termination clause, it has concluded that, "'[a]bsent specific durational language referring to retiree benefits themselves,' a general durational clause *says nothing* about the vesting of retiree benefits." *Noe* v. *PolyOne Corp.*, 520 F. 3d 548, 555 (CA6 2008) (emphasis added). It has also held that a provision that "ties eligibility for retirement-health benefits to eligibility for a pension . . . [leaves] little room for debate that retirees' health benefits ves[t] upon retirement." *Id.*, at 558 (internal quotation marks omitted). Commenting on these extensions of *Yard-Man*, the court has acknowledged that "there is a reasonable argument to be made that, while th[e] court has repeatedly cautioned that *Yard-Man* does not create a presumption of vesting, [it] ha[s] gone on to apply just such a presumption." *Cole* v. *ArvinMeritor, Inc.*, 549 F. 3d 1064, 1074 (CA6 2008).

B

We disagree with the Court of Appeals' assessment that the inferences applied in *Yard-Man* and its progeny represent ordinary principles of contract law.

As an initial matter, *Yard-Man* violates ordinary contract principles by placing a thumb on the scale in favor of vested retiree benefits in all collective-bargaining agreements. That rule has no basis in ordinary principles of contract law. And it distorts the attempt "to ascertain the intention of *the parties.*" 11 Williston § 30:2, at 18 (emphasis added); see also *Stolt-Nielsen*, 559 U. S., at 682. *Yard-Man*'s assessment of likely behavior in collective bargaining is too specu-

lative and too far removed from the context of any particular contract to be useful in discerning the parties' intention.

And the Court of Appeals derived its assessment of likely behavior not from record evidence, but instead from its own suppositions about the intentions of employees, unions, and employers negotiating retiree benefits. See *Yard-Man*, 716 F. 2d, at 1482. For example, it asserted, without any foundation, that, "when . . . parties contract for benefits which accrue upon achievement of retiree status, there is an inference that the parties likely intended those benefits to continue as long as the beneficiary remains a retiree." *Ibid.*; see also *ibid.* ("[I]t is unlikely that [retiree] benefits . . . would be left to the contingencies of future negotiations"). Although a court may look to known customs or usages in a particular industry to determine the meaning of a contract, the parties must prove those customs or usages using affirmative evidentiary support in a given case. 12 Williston § 34:3; accord, *Robinson* v. *United States*, 13 Wall. 363, 366 (1872); *Oelricks* v. *Ford*, 23 How. 49, 61–62 (1860). *Yard-Man* relied on no record evidence indicating that employers and unions in that industry customarily vest retiree benefits. Worse, the Court of Appeals has taken the inferences in *Yard-Man* and applied them indiscriminately across industries. See, *e. g.*, *Cole*, *supra*, at 1074 (automobile); *Armistead* v. *Vernitron Corp.*, 944 F. 2d 1287, 1297 (CA6 1991) (electronics); *Policy*, *supra*, at 618 (steel).

Because the Court of Appeals did not ground its *Yard-Man* inferences in any record evidence, it is unsurprising that the inferences rest on a shaky factual foundation. For example, *Yard-Man* relied in part on the premise that retiree health care benefits are not subjects of mandatory collective bargaining. Parties, however, can and do voluntarily agree to make retiree benefits a subject of mandatory collective bargaining. Indeed, the employer and union in this case entered into such an agreement in 2001. App. 435–436. *Yard-Man* also relied on the premise that retiree benefits are a

form of deferred compensation, but that characterization is contrary to Congress' determination otherwise. In ERISA, Congress specifically defined plans that "resul[t] in a deferral of income by employees" as pension plans, § 1002(2)(A)(ii), and plans that offer medical benefits as welfare plans, § 1002(1)(A). Thus, retiree health care benefits are not a form of deferred compensation.

Further compounding this error, the Court of Appeals has refused to apply general durational clauses to provisions governing retiree benefits. Having inferred that parties would not leave retiree benefits to the contingencies of future negotiations, and that retiree benefits generally last as long as the recipient remains a retiree, the court in *Yard-Man* explicitly concluded that these inferences "outweigh[ed] any contrary implications derived from a routine duration clause terminating the agreement generally." 716 F. 2d, at 1482–1483. The court's subsequent decisions went even further, requiring a contract to include a specific durational clause for retiree health care benefits to prevent vesting. *E. g.*, *Noe*, *supra*, at 555. These decisions distort the text of the agreement and conflict with the principle of contract law that the written agreement is presumed to encompass the whole agreement of the parties. See 1 W. Story, Law of Contracts § 780 (M. Bigelow ed., 5th ed. 1874); see also 11 Williston § 31:5.

Perhaps tugged by these inferences, the Court of Appeals misapplied other traditional principles of contract law, including the illusory promises doctrine. That doctrine instructs courts to avoid constructions of contracts that would render promises illusory because such promises cannot serve as consideration for a contract. See 3 Williston § 7:7 (4th ed. 2008). But the Court of Appeals construed provisions that admittedly benefited some class of retirees as "illusory" merely because they did not equally benefit *all* retirees. See *Yard-Man*, *supra*, at 1480–1481. That interpretation is

a contradiction in terms—a promise that is "partly" illusory is by definition not illusory. If it benefits some class of retirees, then it may serve as consideration for the Union's promises. And the court's interpretation is particularly inappropriate in the context of collective-bargaining agreements, which are negotiated on behalf of a broad category of individuals and consequently will often include provisions inapplicable to some category of employees.

The Court of Appeals also failed even to consider the traditional principle that courts should not construe ambiguous writings to create lifetime promises. See 3 A. Corbin, Contracts § 553, p. 216 (1960) (explaining that contracts that are silent as to their duration will ordinarily be treated not as "operative in perpetuity" but as "operative for a reasonable time" (internal quotation marks omitted)). The court recognized that "traditional rules of contractual interpretation require a clear manifestation of intent before conferring a benefit or obligation," but asserted that "the duration of the benefit once clearly conferred is [not] subject to this stricture." *Yard-Man*, *supra*, at 1481, n. 2. In stark contrast to this assertion, however, the court later applied that very stricture to noncollectively bargained contracts offering retiree benefits. See *Sprague* v. *General Motors Corp.*, 133 F. 3d 388, 400 (CA6 1998) ("To vest benefits is to render them forever unalterable. Because vesting of welfare plan benefits is not required by law, an employer's commitment to vest such benefits is not to be inferred lightly; the intent to vest must be found in the plan documents and must be stated in clear and express language" (internal quotation marks omitted)). The different treatment of these two types of employment contracts only underscores *Yard-Man*'s deviation from ordinary principles of contract law.

Similarly, the Court of Appeals failed to consider the traditional principle that "contractual obligations will cease, in the ordinary course, upon termination of the bargaining

agreement." *Litton Financial Printing Div., Litton Business Systems, Inc.* v. *NLRB*, 501 U. S. 190, 207 (1991). That principle does not preclude the conclusion that the parties intended to vest lifetime benefits for retirees. Indeed, we have already recognized that "a collective-bargaining agreement [may] provid[e] in explicit terms that certain benefits continue after the agreement's expiration." *Ibid.* But when a contract is silent as to the duration of retiree benefits, a court may not infer that the parties intended those benefits to vest for life.

C

There is no doubt that *Yard-Man* and its progeny affected the outcome here. As in its previous decisions, the Court of Appeals here cited the "context of . . . labor-management negotiations" and reasoned that the Union likely would not have agreed to language ensuring its members a "full Company contribution" if the company could change the level of that contribution. *Tackett I*, 561 F. 3d, at 490 (internal quotation marks omitted). It similarly concluded that the tying of eligibility for health care benefits to receipt of pension benefits suggested an intent to vest health care benefits. *Ibid.* And it framed its analysis from beginning to end in light of the principles it announced in *Yard-Man* and its progeny. See 561 F. 3d, at 489; see also *Tackett II*, 733 F. 3d, at 599–600.

We reject the *Yard-Man* inferences as inconsistent with ordinary principles of contract law. But because "[t]his Court is one of final review, not of first view," *Ford Motor Co.* v. *United States*, 571 U. S. 28, 30 (2013) (*per curiam*) (internal quotation marks omitted), the Court of Appeals should be the first to review the agreements at issue under the correct legal principles. We vacate the judgment of the Court of Appeals and remand the case for that court to apply ordinary principles of contract law in the first instance.

It is so ordered.

JUSTICE GINSBURG, with whom JUSTICE BREYER, JUSTICE SOTOMAYOR, and JUSTICE KAGAN join, concurring.

Today's decision rightly holds that courts must apply ordinary contract principles, shorn of presumptions, to determine whether retiree health-care benefits survive the expiration of a collective-bargaining agreement. Under the "cardinal principle" of contract interpretation, "the intention of the parties, to be gathered from the whole instrument, must prevail." 11 R. Lord, Williston on Contracts § 30:2, p. 27 (4th ed. 2012) (Williston). To determine what the contracting parties intended, a court must examine the entire agreement in light of relevant industry-specific "customs, practices, usages, and terminology." *Id.*, § 30:4, at 55–58. When the intent of the parties is unambiguously expressed in the contract, that expression controls, and the court's inquiry should proceed no further. *Id.*, § 30:6, at 98–104. But when the contract is ambiguous, a court may consider extrinsic evidence to determine the intentions of the parties. *Id.*, § 30:7, at 116–124.

Contrary to M&G's assertion, Brief for Petitioners 25, no rule requires "clear and express" language in order to show that parties intended health-care benefits to vest. "[C]onstraints upon the employer after the expiration date of a collective-bargaining agreement," we have observed, may be derived from the agreement's "explicit terms," but they "may arise as well from . . . implied terms of the expired agreement." *Litton Financial Printing Div., Litton Business Systems, Inc.* v. *NLRB*, 501 U. S. 190, 203, 207 (1991).

On remand, the Court of Appeals should examine the entire agreement to determine whether the parties intended retiree health-care benefits to vest. 11 Williston § 30:4, at 55–57. Because the retirees have a vested, lifetime right to a monthly pension, App. 366, a provision stating that retirees "will receive" health-care benefits if they are "receiving a monthly pension" is relevant to this examination. *Id.*, at

415. So is a "survivor benefits" clause instructing that if a retiree dies, her surviving spouse will "continue to receive [the retiree's health-care] benefits . . . until death or remarriage." *Id.*, at 417. If, after considering all relevant contractual language in light of industry practices, the Court of Appeals concludes that the contract is ambiguous, it may turn to extrinsic evidence—for example, the parties' bargaining history. The Court of Appeals, however, must conduct the foregoing inspection without *Yard-Man*'s "thumb on the scale in favor of vested retiree benefits." *Ante*, at 438; see *International Union, United Auto, Aerospace, and Agricultural Implement Workers of Am.* v. *Yard-Man, Inc.*, 716 F. 2d 1476 (1983).

Because I understand the Court's opinion to be consistent with these basic rules of contract interpretation, I join it.

Syllabus

KANSAS *v.* NEBRASKA ET AL.

ON EXCEPTIONS TO REPORT OF SPECIAL MASTER

No. 126, Orig. Argued October 14, 2014—Decided February 24, 2015

In 1943, Congress approved the Republican River Compact, an agreement between Kansas, Nebraska, and Colorado to apportion the "virgin water originating in" the Republican River Basin. 57 Stat. 87. In 1998, Kansas filed an original action in this Court contending that Nebraska's increased groundwater pumping was subject to regulation by the Compact to the extent that it depleted stream flow in the Basin. This Court agreed. Ensuing negotiations resulted in the 2002 Final Settlement Stipulation (Settlement), which established mechanisms to accurately measure water and promote compliance with the Compact. The Settlement identified the Accounting Procedures, a technical appendix, as the tool by which the States would measure stream flow depletion, and thus consumption, due to groundwater pumping. The Settlement also reaffirmed that "imported water"—that is, water brought into the Basin by human activity—would not count toward a State's consumption. Again, the Accounting Procedures were to measure, so as to exclude, that water flow.

In 2007, following the first post-Settlement accounting period, Kansas petitioned this Court for monetary and injunctive relief, claiming that Nebraska had substantially exceeded its water allocation. Nebraska responded that the Accounting Procedures improperly charged the State for using imported water and requested that the Accounting Procedures be modified accordingly. The Court appointed a Special Master. His report concludes that Nebraska "knowingly failed" to comply with the Compact, recommends that Nebraska disgorge a portion of its gains in addition to paying damages for Kansas's loss, and recommends denying Kansas's request for an injunction. In addition, the report recommends reforming the Accounting Procedures. The parties have filed exceptions.

Held:

1. Proceedings under this Court's original jurisdiction are "basically equitable in nature," *Ohio* v. *Kentucky*, 410 U. S. 641, 648, and in exercising that jurisdiction over a controversy between two States, the Court may "mould the process [to] best promote the purposes of justice," *Kentucky* v. *Dennison*, 24 How. 66, 98. Where the States have negotiated a compact, the Court is confined to declaring rights under the compact and enforcing its terms. But within those bounds, the Court may invoke equitable principles to devise "fair . . . solution[s]" to compact viola-

tions. *Texas* v. *New Mexico*, 482 U. S. 124, 134. And where Congress has approved the compact so that it counts as federal law, see *Cuyler* v. *Adams*, 449 U. S. 433, 438, the Court may, consistent with the compact's express terms, exercise its full authority to remedy violations of, and promote compliance with, the agreement, see *Porter* v. *Warner Holding Co.*, 328 U. S. 395, 398. Pp. 453–456.

2. The Special Master's determination that Nebraska "knowingly failed" to comply with its Settlement obligations, his recommendation that Nebraska pay Kansas an additional $1.8 million in disgorgement, and his recommendation that Kansas's request for injunctive relief be denied are all adopted. The parties' exceptions are overruled. Pp. 456–467.

(a) Nebraska "knowingly failed" to comply with its Settlement obligations, and disgorgement is an appropriate remedy for Nebraska's breach. Pp. 457–464.

(i) As the Special Master found, Nebraska failed to put adequate compliance mechanisms in place in the face of a known substantial risk that it would violate Kansas's rights. Nebraska's argument that it could not have anticipated unprecedented drought conditions fails, because its efforts to comply would have been inadequate absent the luckiest of circumstances. Nor can the State find refuge in the Compact's retrospective compliance calculation methods, because it had been warned each year leading up to the final compliance check that it had exceeded its allotment. The Court therefore agrees with the Master that Nebraska "knowingly exposed Kansas to a substantial risk" of receiving less water than it was entitled to under the Compact. Report 130. In other words, Nebraska recklessly gambled with Kansas's rights. Pp. 457–461.

(ii) Because Nebraska's benefit from its breach exceeded the $3.7 million loss Kansas suffered, the Special Master recommended that Nebraska disgorge part of its additional gain. Nebraska contends that disgorgement is improper because it did not act "deliberately," which it argues is required for disgorgement in a private contract suit. But disgorgement is appropriate where one State has recklessly gambled with another State's rights to a scarce natural resource. This Court has said that awarding actual damages in a compact case may be inadequate to deter an upstream State from ignoring its obligations where it is advantageous to do so. *Texas* v. *New Mexico*, 482 U. S., at 132. Here, Nebraska took full advantage of its favorable geographic position. And because of the higher value of water on Nebraska's farmland than on Kansas's, Nebraska could take Kansas's water, pay damages, and still benefit. This Court's remedial authority extends to providing a remedy capable of stabilizing the Compact and deterring future breaches, and a disgorgement award appropriately does so here. Pp. 461–464.

Syllabus

(b) Contrary to Kansas's contentions, the Master's partial disgorgement award is sufficient to achieve those goals. The "flexibility inherent in equitable remedies," *Brown* v. *Plata*, 563 U. S. 493, 538, allows the Court to order partial disgorgement if appropriate to the facts of the particular case, cf. *Kansas* v. *Colorado*, 533 U. S. 1, 14. The Special Master properly took into account Nebraska's incentives, past behavior, and especially its more recent successful compliance efforts to determine that a small disgorgement award suffices. For related reasons, Kansas has failed to demonstrate a "cognizable danger of recurrent violation" necessary to obtain an injunction. *United States* v. *W. T. Grant Co.*, 345 U. S. 629, 633. Pp. 464–467.

3. The Special Master's recommendation to amend the Accounting Procedures so that they no longer charge Nebraska for imported water is adopted, and Kansas's exception is overruled. As the Special Master found, in dry conditions, the Accounting Procedures improperly treat Nebraska's use of imported water as if it were use of Basin water. Nothing suggests that anyone seriously thought the Accounting Procedures would systematically err in this way. Rather, the Procedures' designers assumed that they had succeeded in their goal to implement a strict demarcation between virgin and imported water.

Kansas argues that in spite of these failures, the States must be held to the bargain they struck. That is the ordinary rule. But two special considerations warrant conforming the Accounting Procedures to the Compact and the Settlement. First, the remedy is necessary to prevent serious inaccuracies from distorting the States' intended apportionment of interstate waters, as reflected in those documents. Doing so is consistent with past instances where this Court opted to modify a technical agreement to correct material errors in the way it operates and thus align it with the compacting States' intended apportionment. Second, this remedy is required to avert an outright breach of the Compact—and so a violation of federal law. As written, the Accounting Procedures go beyond the Compact's boundaries and deprive Nebraska of its compact rights. The Master's proposed "5-run formula" solves this problem by excluding imported water from the calculation of each State's consumption. Given Kansas's failure despite ample opportunity to devise another solution or to demonstrate flaws in this one, as well the long and contentious history of this case that casts doubt on the States' ability to come to an agreement themselves, the Court adopts the Master's solution. Pp. 467–475.

Exceptions to Special Master's Report overruled, and Master's recommendations adopted.

KAGAN, J., delivered the opinion of the Court, in which KENNEDY, GINSBURG, BREYER, and SOTOMAYOR, JJ., joined, and in which ROBERTS, C. J.,

joined as to Parts I and III. ROBERTS, C. J., and SCALIA, J., filed opinions concurring in part and dissenting in part, *post*, p. 475. THOMAS, J., filed an opinion concurring in part and dissenting in part, in which SCALIA and ALITO, JJ., joined, and in which ROBERTS, C. J., joined as to Part III, *post*, p. 476.

Stephen R. McAllister, Solicitor General of Kansas, argued the cause for plaintiff. With him on the briefs were *Derek Schmidt*, Attorney General, *Jeffrey A. Chanay*, Deputy Attorney General, *Christopher M. Grunewald*, Assistant Attorney General, *Burke W. Griggs*, Special Assistant Attorney General, *Bryan C. Clark*, Assistant Solicitor General, *John B. Draper*, and *Jeffrey J. Wechsler*.

Ann O'Connell argued the cause for the United States as *amicus curiae*. With her on the brief were *Solicitor General Verrilli*, *Acting Assistant Attorney General Dreher*, and *Deputy Solicitor General Kneedler*.

David D. Cookson, Deputy Attorney General of Nebraska, argued the cause for defendants. With him on the briefs for defendant Nebraska were *Jon Bruning*, Attorney General, *Justin D. Lavene*, Assistant Attorney General, *Donald G. Blankenau*, and *Thomas R. Wilmoth*. *John W. Suthers*, Attorney General of Colorado, *Daniel D. Domenico*, Solicitor General, and *Scott Steinbrecher*, Assistant Attorney General, filed briefs for defendant Colorado.

JUSTICE KAGAN delivered the opinion of the Court.

For the second time in little more than a decade, Kansas and Nebraska ask this Court to settle a dispute over the States' rights to the waters of the Republican River Basin, as set out in an interstate compact. The first round of litigation ended with a settlement agreement designed to elaborate on, and promote future compliance with, the Compact's terms. The States now bring new claims against each other arising from the implementation of that settlement. Kansas seeks exceptional relief—both partial disgorgement of gains and an injunction—for Nebraska's conceded overconsump-

tion of water. For its part, Nebraska requests amendment of a technical appendix to the settlement, so that allocations of water will faithfully reflect the parties' intent as expressed in both the body of that agreement and the Compact itself. We referred the case to a Special Master and now accept his recommendations as to appropriate equitable remedies: for Kansas, partial disgorgement but no injunction; and for Nebraska, reform of the appendix.

I

The Republican River originates in Colorado; crosses the northwestern corner of Kansas into Nebraska; flows through much of southwestern Nebraska; and finally cuts back into northern Kansas. Along with its many tributaries, the River drains a 24,900-square-mile watershed, called the Republican River Basin. The Basin contains substantial farmland, producing (among other things) wheat and corn.

During the Dust Bowl of the 1930's, the Republican River Basin experienced an extended drought, interrupted once by a deadly flood. In response, the Federal Government proposed constructing reservoirs in the Basin to control flooding, as well as undertaking an array of irrigation projects to disperse the stored water. But the Government insisted that the three States of the Basin first agree to an allocation of its water resources. As a result of that prodding, the States negotiated and ratified the Republican River Compact; and in 1943, as required under the Constitution, Art. I, § 10, cl. 3, Congress approved that agreement. By act of Congress, the Compact thus became federal law. See Act of May 26, 1943, ch. 104, 57 Stat. 86.

The Compact apportions among the three States the "virgin water supply originating in"—and, as we will later discuss, originating *only* in—the Republican River Basin. Compact Art. III; see *infra*, at 467–474. "Virgin water supply," as used in the Compact, means "the water supply within the Basin," in both the River and its tributaries, "un-

depleted by the activities of man." Compact Art. II. The Compact gives each State a set share of that supply—roughly, 49% to Nebraska, 40% to Kansas, and 11% to Colorado—for any "beneficial consumptive use." *Id.*, Art. IV; see *id.*, Art. II (defining that term to mean "that use by which the water supply of the Basin is consumed through the activities of man"). In addition, the Compact charges the chief water official of each State with responsibility to jointly administer the agreement. See *id.*, Art. IX. Pursuant to that provision, the States created the Republican River Compact Administration (RRCA). The RRCA's chief task is to calculate the Basin's annual virgin water supply by measuring stream flow throughout the area, and to determine (retrospectively) whether each State's use of that water has stayed within its allocation.

All was smooth sailing for decades, until Kansas complained to this Court about Nebraska's increased pumping of groundwater, resulting from that State's construction of "thousands of wells hydraulically connected to the Republican River and its tributaries." Bill of Complaint, O. T. 1997, No. 126, Orig., p. 5 (May 26, 1998). Kansas contended that such activity was subject to the Compact: To the extent groundwater pumping depleted stream flow in the Basin, it counted against the pumping State's annual allotment of water.[1] Nebraska maintained, to the contrary, that groundwater pumping fell outside the Compact's scope, even if that activity diminished stream flow in the area. A Special Master we appointed favored Kansas's interpretation of the Compact; we summarily agreed, and recommitted the case to him for further proceedings. See *Kansas* v. *Nebraska*, 530 U. S. 1272 (2000). The States then entered into negotia-

[1] As we will later discuss, groundwater pumping does not diminish stream flow (and thus the Basin's "virgin water supply") at a 1-to-1 ratio. See Report of Special Master 19 (Report); *infra*, at 468. In other words, a State can pump a bucketful of groundwater without reducing stream flow by the same amount.

tions, aimed primarily at determining how best to measure, and reflect in Compact accounting, the depletion of the Basin's stream flow due to groundwater pumping. During those discussions, the States also addressed a range of other matters affecting Compact administration. The talks bore fruit in 2002, when the States signed the Final Settlement Stipulation (Settlement).

The Settlement established detailed mechanisms to promote compliance with the Compact's terms. The States agreed that the Settlement was not "intended to, nor could [it], change [their] respective rights and obligations under the Compact." Settlement § I(D). Rather, the agreement aimed to accurately measure the supply and use of the Basin's water, and to assist the States in staying within their prescribed limits. To smooth out year-to-year fluctuations and otherwise facilitate compliance, the Settlement based all Compact accounting on 5-year running averages, reduced to 2-year averages in "water-short" periods. *Id.*, §§ IV(D), V(B). That change gave each State a chance to compensate for one (or more) year's overuse with another (or more) year's underuse before exceeding its allocation. The Settlement further provided, in line with this Court's decision, that groundwater pumping would count as part of a State's consumption to the extent it depleted the Basin's stream flow. An appendix to the agreement called the "Accounting Procedures" described how a later-developed "Groundwater Model" (essentially, a mass of computer code) would perform those computations. *Id.*, App. C; *id.*, App. J1. And finally, the Settlement made clear, in accordance with the Compact, that a State's use of "imported water"—that is, water farmers bring into the area (usually for irrigation) that eventually seeps into the Republican River—would *not* count toward the State's allocation, because it did not originate in the Basin. *Id.*, §§ II, IV(F). Once again, the Settlement identified the Accounting Procedures and Groundwater Model as the tools to calculate (so as to exclude) that consumption.

But there were more rapids ahead: By 2007, Kansas and Nebraska each had complaints about how the Settlement was working. Kansas protested that in the 2005–2006 accounting period—the first for which the Settlement held States responsible—Nebraska had substantially exceeded its allocation of water. Nebraska, for its part, maintained that the Accounting Procedures and Groundwater Model were charging the State for use of imported water—specifically, for water originating in the Platte River Basin. The States brought those disputes to the RRCA and then to non-binding arbitration, in accordance with the Settlement's dispute resolution provisions. After failing to resolve the disagreements in those forums, Kansas sought redress in this Court, petitioning for both monetary and injunctive relief. We referred the case to a Special Master to consider Kansas's claims. See 563 U. S. 915 (2011). In that proceeding, Nebraska asserted a counterclaim requesting a modification of the Accounting Procedures to ensure that its use of Platte River water would not count toward its Compact allocation.

After two years of conducting hearings, receiving evidence, and entertaining legal arguments, the Special Master issued his report and recommendations. The Master concluded that Nebraska had "knowingly failed" to comply with the Compact in the 2005–2006 accounting period, by consuming 70,869 acre-feet of water in excess of its prescribed share.[2] Report 112. To remedy that breach, the Master proposed awarding Kansas $3.7 million for its loss, and another $1.8 million in partial disgorgement of Nebraska's still greater gains. The Master, however, thought that an injunction against Nebraska was not warranted. In addition, the Master recommended reforming the Accounting Procedures in line with Nebraska's request, to ensure that the State would not be charged with using Platte River water.

[2] An acre-foot of water is pretty much what it sounds like. If you took an acre of land and covered it evenly with water one foot deep, you would have an acre-foot of water.

Kansas and Nebraska each filed exceptions in this Court to parts of the Special Master's report.[3] Nebraska objects to the Master's finding of a "knowing" breach and his call for partial disgorgement of its gains. Kansas asserts that the Master should have recommended both a larger disgorgement award and injunctive relief; the State also objects to his proposed change to the Accounting Procedures. In reviewing those claims, this Court gives the Special Master's factual findings "respect and a tacit presumption of correctness." *Colorado* v. *New Mexico*, 467 U. S. 310, 317 (1984). But we conduct an "independent review of the record," and assume "the ultimate responsibility for deciding" all matters. *Ibid.* Having carried out that careful review, we now overrule all exceptions and adopt the Master's recommendations.

II

The Constitution gives this Court original jurisdiction to hear suits between the States. See Art. III, § 2. Proceedings under that grant of jurisdiction are "basically equitable in nature." *Ohio* v. *Kentucky*, 410 U. S. 641, 648 (1973). When the Court exercises its original jurisdiction over a controversy between two States, it serves "as a substitute for the diplomatic settlement of controversies between sovereigns and a possible resort to force." *North Dakota* v. *Minnesota*, 263 U. S. 365, 372–373 (1923). That role significantly "differ[s] from" the one the Court undertakes "in suits between private parties." *Id.*, at 372; see Frankfurter & Landis, The Compact Clause of the Constitution—A Study in Interstate Adjustments, 34 Yale L. J. 685, 705 (1925) (When a "controversy concerns two States we are at once in a world wholly different from that of a law-suit between John Doe

[3] Colorado has also played a minor part in this dispute, and in this Court it filed a brief reiterating one of Nebraska's exceptions. Because Kansas and Nebraska are the primary antagonists here, we will refer to that claim only as Nebraska's. From here on in, Colorado drops off the map (so to speak).

and Richard Roe over the metes and bounds of Blackacre"). In this singular sphere, "the court may regulate and mould the process it uses in such manner as in its judgment will best promote the purposes of justice." *Kentucky* v. *Dennison*, 24 How. 66, 98 (1861).

Two particular features of this interstate controversy further distinguish it from a run-of-the-mill private suit and highlight the essentially equitable character of our charge. The first relates to the subject matter of the Compact and Settlement: rights to an interstate waterway. The second concerns the Compact's status as not just an agreement, but a federal law. Before proceeding to the merits of this dispute, we say a few words about each.

This Court has recognized for more than a century its inherent authority, as part of the Constitution's grant of original jurisdiction, to equitably apportion interstate streams between States. In *Kansas* v. *Colorado*, 185 U. S. 125, 145 (1902), we confronted a simple consequence of geography: An upstream State can appropriate all water from a river, thus "wholly depriv[ing]" a downstream State "of the benefit of water" that "by nature" would flow into its territory. In such a circumstance, the downstream State lacks the sovereign's usual power to respond—the capacity to "make war[,] . . . grant letters of marque and reprisal," or even enter into agreements without the consent of Congress. *Id.*, at 143 (internal quotation marks omitted). "Bound hand and foot by the prohibitions of the Constitution, . . . a resort to the judicial power is the only means left" for stopping an inequitable taking of water. *Id.*, at 144 (quoting *Rhode Island* v. *Massachusetts*, 12 Pet. 657, 726 (1838)).

This Court's authority to apportion interstate streams encourages States to enter into compacts with each other. When the division of water is not "left to the pleasure" of the upstream State, but States instead "know[ ] that some tribunal can decide on the right," then "controversies will [probably] be settled by compact." *Kansas* v. *Colorado*, 185

U. S., at 144. And that, of course, is what happened here: Kansas and Nebraska negotiated a compact to divide the waters of the Republican River and its tributaries. Our role thus shifts: It is now to declare rights under the Compact and enforce its terms. See *Texas* v. *New Mexico*, 462 U. S. 554, 567 (1983).

But in doing so, we remain aware that the States bargained for those rights in the shadow of our equitable apportionment power—that is, our capacity to prevent one State from taking advantage of another. Each State's "right to invoke the original jurisdiction of this Court [is] an important part of the context" in which any compact is made. *Id.*, at 569. And it is "difficult to conceive" that a downstream State "would trade away its right" to our equitable apportionment if, under such an agreement, an upstream State could avoid its obligations or otherwise continue overreaching. *Ibid.* Accordingly, our enforcement authority includes the ability to provide the remedies necessary to prevent abuse. We may invoke equitable principles, so long as consistent with the compact itself, to devise "fair . . . solution[s]" to the state-parties' disputes and provide effective relief for their violations. *Texas* v. *New Mexico*, 482 U. S. 124, 134 (1987) (supplying an "additional enforcement mechanism" to ensure an upstream State's compliance with a compact).[4]

And that remedial authority gains still greater force because the Compact, having received Congress's blessing, counts as federal law. See *Cuyler* v. *Adams*, 449 U. S. 433, 438 (1981) ("[C]ongressional consent transforms an interstate compact . . . into a law of the United States"). Of course, that legal status underscores a limit on our enforce-

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[4] JUSTICE THOMAS misdescribes this aspect of our decision. See *post*, at 478, 490 (opinion concurring in part and dissenting in part) (hereinafter the dissent). Far from claiming the power to alter a compact to fit our own views of fairness, we insist only upon broad remedial authority to enforce the Compact's terms and deter future violations.

ment power: We may not "order relief inconsistent with [a compact's] express terms." *Texas* v. *New Mexico*, 462 U. S., at 564. But within those limits, the Court may exercise its full authority to remedy violations of and promote compliance with the agreement, so as to give complete effect to public law. As we have previously put the point: When federal law is at issue and "the public interest is involved," a federal court's "equitable powers assume an even broader and more flexible character than when only a private controversy is at stake." *Porter* v. *Warner Holding Co.*, 328 U. S. 395, 398 (1946); see *Virginian R. Co.* v. *Railway Employees*, 300 U. S. 515, 552 (1937) ("Courts of equity may, and frequently do, go much farther" to give "relief in furtherance of the public interest than they are accustomed to go when only private interests are involved").[5] In exercising our jurisdiction, we may "mould each decree to the necessities of the particular case" and "accord full justice" to all parties. *Porter*, 328 U. S., at 398 (internal quotation marks omitted); see *Kentucky* v. *Dennison*, 24 How., at 98. These principles inform our consideration of the dispute before us.

III

We first address Nebraska's breach of the Compact and Settlement and the remedies appropriate to that violation. Both parties assent to the Special Master's finding that in

[5] The dissent objects that these precedents do not apply to "water disputes between States" because such clashes involve "sovereign rights." See *post*, at 479–480. But in making that claim, the dissent ignores the effect of the Constitution: By insisting that Congress approve a compact like this one, the Constitution turns the agreement into a federal law like any other. See *Cuyler* v. *Adams*, 449 U. S. 433, 439–440 (1981) ("By vesting in Congress the power to grant or withhold consent, . . . the Framers sought to ensure that Congress would maintain ultimate supervisory power over cooperative state action that might otherwise interfere with the full and free exercise of federal authority"). That constitutional choice means that the judicial authority we have recognized to give effect to, and remedy violations of, federal law fully attends a compact.

2005–2006 Nebraska exceeded its allocation of water by 70,869 acre-feet—about 17% more than its proper share. See Report 88–89; App. B to Reply Brief for Kansas. They similarly agree that this overconsumption resulted in a $3.7 million loss to Kansas; and Nebraska has agreed to pay those damages. See Brief for Kansas 55; Brief for Nebraska 7. But the parties dispute whether Nebraska's conduct warrants additional relief. The Master determined that Nebraska "knowingly exposed Kansas to a substantial risk" of breach, and so "knowingly failed" to comply with the Compact. Report 130, 112; see *supra*, at 452. Based in part on that finding, he recommended disgorgement of $1.8 million, which he described as "a small portion of the amount by which Nebraska's gain exceeds Kansas's loss." Report 179. But he declined to grant Kansas's request for injunctive relief against Nebraska. See *id.*, at 180–186. As noted previously, see *supra*, at 453, each party finds something to dislike in the Master's handling of this issue: Nebraska contests his finding of a "knowing" Compact violation and his view that disgorgement is appropriate; Kansas wants a larger disgorgement award and an injunction regulating Nebraska's future conduct. We address those exceptions in turn.

A

1

When they entered into the Settlement in 2002, the States understood that Nebraska would have to significantly reduce its consumption of Republican River water. See Report 106. The Settlement, after all, charged Nebraska for its depletion of the Basin's stream flow due to groundwater pumping—an amount the State had not previously counted toward its allotment. See *supra*, at 450. Nebraska did not have to achieve all that reduction in the next year: The Settlement's adoption of multi-year averages to measure consumption allowed the State some time—how much depended on whether and when "water-short" conditions existed—to

come into compliance. See Settlement §§ IV(D), V(B)(2)(e)(i), App. B; *supra*, at 451. As it turned out, the area experienced a drought in 2006; accordingly, Nebraska first needed to demonstrate compliance in that year, based on the State's average consumption of water in 2005 and 2006.[6] And at that initial compliance check, despite having enjoyed several years to prepare, Nebraska came up markedly short.

Nebraska contends, contrary to the Master's finding, that it could not have anticipated breaching the Compact in those years. By its account, the State took "persistent and earnest"—indeed, "extraordinary"—steps to comply with the agreement, including amending its water law to reduce groundwater pumping. Brief for Nebraska 9, 17. And Nebraska could not have foreseen (or so it claims) that those measures would prove inadequate. First, Nebraska avers, drought conditions between 2002 and 2006 reduced the State's yearly allotments to historically low levels; the Master was thus "unfair to suggest Nebraska should have anticipated what never before was known." *Id.*, at 17. And second, Nebraska stresses, the RRCA determines each State's use of water only retrospectively, calculating each spring what a State consumed the year before; hence, Nebraska "could not have known" that it was out of compliance in 2006 "until early 2007—when it was already too late." *Id.*, at 18; see *supra*, at 450.

But that argument does not hold water: Rather, as the Special Master found, Nebraska failed to put in place adequate mechanisms for staying within its allotment in the face of a known substantial risk that it would otherwise violate Kansas's rights. See Report 105–112, 130. As an initial matter, the State's efforts to reduce its use of Republican River water came at a snail-like pace. The Nebraska Legislature waited a year and a half after signing the Settlement to amend the State's water law. See § 55, 2004 Neb. Laws

[6] Had rainfall been more plentiful, Nebraska would have had to show compliance in 2007, based on its average use from 2003 onward.

p. 352, codified at Neb. Rev. Stat. § 46–715. And the fix the legislature adopted—the development of regional water management plans meant to decrease groundwater pumping—did not go into effect for still another year. Nebraska thus wasted the time following the Settlement—a crucial period to begin bringing down the State's consumption. Indeed, the State's overuse of Republican River water actually *rose* significantly from 2003 through 2005, making compliance at the eventual day of reckoning ever more difficult to achieve. See Report 108–109.[7] And to make matters worse, Nebraska knew that decreasing pumping does not instantly boost stream flow: A time lag, of as much as a year, exists between the one and the other. See *id.*, at 106. So Nebraska's several-year delay in taking any corrective action foreseeably raised the risk that the State would breach the Compact.

Still more important, what was too late was also too little. The water management plans finally adopted in 2005 called for only a 5% reduction in groundwater pumping, although no evidence suggested that would suffice. The testimony presented to the Special Master gave not a hint that the state and local officials charged with formulating those plans had conducted a serious appraisal of how much change would be necessary. See *id.*, at 107–108. And the State had created no way to enforce even the paltry goal the plans set. The Nebraska Legislature chose to leave operational control of water use in the hands of district boards consisting primarily of irrigators, who are among the immediate beneficiaries of pumping. No sanctions or other mechanisms held those local bodies to account if they failed to meet the plans' benchmark. They bore no legal responsibility for complying with the Compact, and assumed no share of the penalties the

[7] Had 2006 not been a "water-short" year, all those overages would have gone into Nebraska's 5-year average; as it was, the dry conditions triggered the alternative 2-year period, so the 2003 and 2004 overages dropped out of the RRCA's calculations.

State would pay for violations. See *id.*, at 110–111. Given such a dearth of tools or incentives to achieve compliance, the wonder is only that Nebraska did not still further exceed its allotment.

Nor do Nebraska's excuses change our view of its misbehavior. True enough, the years following the Settlement were exceptionally arid. But the Compact and Settlement (unsurprisingly) contemplate wet and dry years alike. By contrast, Nebraska's plans could have brought it into compliance only if the Basin had received a stretch of copious rainfall. See *id.*, at 109–110. And Nebraska cannot take refuge in the timing of the RRCA's calculations. By the time the compliance check of 2006 loomed, Nebraska knew that it had exceeded its allotment (by an ever greater margin) in each of the three previous years. As Nebraska's own witnesses informed the Special Master, they "could clearly see" by the beginning of 2006 "that [the State] had not done enough" to come into compliance. *Id.*, at 109 (quoting Tr. 1333 (Aug. 21, 2012)). Indeed, in that year, Nebraska began purchasing its farmers' rights to surface water in order to mitigate its anticipated breach. But that last-minute effort, in the Master's words, "fell woefully short"—as at that point could only have been expected. Report 109. From the outset of the Settlement through 2006, Nebraska headed—absent the luckiest of circumstances—straight toward a Compact violation.

For these reasons, we agree with the Master's conclusion that Nebraska "knowingly exposed Kansas to a substantial risk" of receiving less water than the Compact provided, and so "knowingly failed" to comply with the obligations that agreement imposed. *Id.*, at 130, 112. In the early years of the Settlement, as the Master explained, Nebraska's compliance efforts were not only inadequate, but also "reluctant," showing a disinclination "to take [the] firm action" necessary "to meet the challenges of foreseeably varying conditions in the Basin." *Id.*, at 105. Or said another way, Nebraska recklessly gambled with Kansas's rights, consciously disre-

garding a substantial probability that its actions would deprive Kansas of the water to which it was entitled. See Tr. 1870 (Aug. 23, 2012) (Master's statement that Nebraska showed "reckless indifference as to compliance back in '05 and '06").

2

After determining that Kansas lost $3.7 million from Nebraska's breach, the Special Master considered the case for an additional monetary award. Based on detailed evidence, not contested here, he concluded that an acre-foot of water is substantially more valuable on farmland in Nebraska than in Kansas. That meant Nebraska's reward for breaching the Compact was "much larger than Kansas' loss, likely by more than several multiples." Report 178. Given the circumstances, the Master thought that Nebraska should have to disgorge part of that additional gain, to the tune of $1.8 million. In making that recommendation, he relied on his finding—which we have just affirmed—of Nebraska's culpability. See *id.*, at 130. He also highlighted this Court's broad remedial powers in compact litigation, noting that such cases involve not private parties' private quarrels, but States' clashes over federal law. See *id.*, at 131, 135; *supra*, at 453–456.

Nebraska (along with the dissent) opposes the Special Master's disgorgement proposal on the ground that the State did not "deliberately act[ ]" to violate the Compact. Reply Brief for Nebraska 33; see *post*, at 481–482. Relying on private contract law, Nebraska cites a Restatement provision declaring that a court may award disgorgement in certain cases in which "a deliberate breach of contract results in profit to the defaulting promisor." Restatement (Third) of Restitution and Unjust Enrichment § 39(1) (2010) (Restatement); see Reply Brief for Nebraska 32. Nebraska then points out that the Master, even though finding a "knowing" exposure of Kansas to significant risk, rejected the idea that "Nebraska officials [had] deliberately set out to violate the Compact."

Brief for Nebraska 16 (quoting Report 111). Accordingly, Nebraska concludes, no disgorgement is warranted.

But that argument fails to come to terms with what the Master properly understood as the wrongful nature of Nebraska's conduct. True enough, as the Master said, that Nebraska did not purposefully set out to breach the Compact. But still, as he also found, the State "knowingly exposed Kansas to a substantial risk" of breach, and blithely proceeded. Report 130. In some areas of the law and for certain purposes, the distinction between purposefully invading and recklessly disregarding another's rights makes no difference. See *Bullock* v. *BankChampaign, N. A.*, 569 U. S. 267, 273–274 (2013) ("We include as intentional . . . reckless conduct" of the kind that the law "often treats as the equivalent"); *Ernst & Ernst* v. *Hochfelder*, 425 U. S. 185, 193–194, n. 12 (1976) ("[R]ecklessness is [sometimes] considered to be a form of intentional conduct for purposes of imposing liability"). And indeed, the very Restatement Nebraska relies on treats the two similarly. It assimilates "deliberate[ness]" to "conscious wrongdoing," which it defines as acting (as Nebraska did) "despite a known risk that the conduct . . . violates [another's] rights." Restatement § 39, Comment *f*; *id.*, § 51(3). Conversely, the Restatement distinguishes "deliberate[ness]" from behavior (*not* akin to Nebraska's) amounting to mere "inadvertence, negligence, or unsuccessful attempt at performance." *Id.*, § 39, Comment *f*.

And whatever is true of a private contract action, the case for disgorgement becomes still stronger when one State gambles with another State's rights to a scarce natural resource. From the time this Court began to apportion interstate rivers, it has recognized part of its role as guarding against upstream States' inequitable takings of water. And as we have noted, that concern persists even after States enter into a compact: This Court may then exercise remedial authority to ensure compliance with the compact's terms—thus preventing a geographically favored State from appro-

priating more than its share of a river. See *supra*, at 455. Indeed, the formation of such a compact provides this Court with enhanced remedial power because, as we have described, the agreement is also an Act of Congress, and its breach a violation of federal law. See *supra*, at 455–456; *Porter*, 328 U. S. 395 (exercising equitable power to disgorge profits gained from violating a federal statute). Consistent with those principles, we have stated that awarding actual damages for a compact's infringement may be inadequate, because that remedy alone "would permit [an upstream State] to ignore its obligation to deliver water as long as it is willing" to pay that amount. *Texas* v. *New Mexico*, 482 U. S., at 132. And as the Solicitor General noted in argument here, "[i]t is important that water flows down the river, not just money." Tr. of Oral Arg. 24. Accordingly, this Court may order disgorgement of gains, if needed to stabilize a compact and deter future breaches, when a State has demonstrated reckless disregard of another, more vulnerable State's rights under that instrument.

Assessed in this light, a disgorgement order constitutes a "fair and equitable" remedy for Nebraska's breach. *Texas* v. *New Mexico*, 482 U. S., at 134. "Possessing the privilege of being upstream," Nebraska can (physically, though not legally) drain all the water it wants from the Republican River. Report 130. And the higher value of water on Nebraska's farmland than on Kansas's means that Nebraska can take water that under the Compact should go to Kansas, pay Kansas actual damages, and still come out ahead. That is nearly a recipe for breach—for an upstream State to refuse to deliver to its downstream neighbor the water to which the latter is entitled. And through 2006, Nebraska took full advantage of its favorable position, eschewing steps that would effectively control groundwater pumping and thus exceeding its allotment. In such circumstances, a disgorgement award appropriately reminds Nebraska of its legal obligations, deters future violations, and promotes the Compact's successful

administration. See *Porter*, 328 U. S., at 400 ("Future compliance may be more definitely assured if one is compelled to restore one's illegal gains").[8] We thus reject Nebraska's exception to the Master's proposed remedy.

B

Kansas assails the Special Master's recommended disgorgement award from the other direction, claiming that it is too low to ensure Nebraska's future compliance. See Brief for Kansas 55–59. Notably, Kansas does not insist on all of Nebraska's gain. It recognizes the difficulty of ascertaining that figure, given the evidence the parties presented. See *id.*, at 56; see also Report 177–178. And still more important, it "agrees" with the Master's view that the Court should select a "fair point on th[e] spectrum" between no profits and full profits, based on the totality of facts and interests in the case. Brief for Kansas 57 (quoting Report 135); see Sur-Reply Brief for Kansas 5. In setting that point, however, Kansas comes up with a higher number—or actually, a trio of them. The State first asks us to award "treble damages of $11.1 million," then suggests that we can go "up to roughly $25 million," and finally proposes a "1:1 loss-to-disgorgement ratio," which means $3.7 million of Nebraska's gains. Brief for Kansas 57; Sur-Reply Brief for Kansas 5, 7.

We prefer to stick with the Master's single number. As an initial matter, we agree with both the Master and Kansas that disgorgement need not be all or nothing. See, *e. g.*, 1

[8] An award of specific performance may accomplish much the same objectives, as the dissent notes. See *post*, at 485. But for various reasons, a remedy in the form of water is not always feasible. See *Texas* v. *New Mexico*, 482 U. S. 124, 132 (1987). Here, both States concurred that using water as the remedial currency would lead to difficult questions about the proper timing and location of delivery. See Report 129–130. (That agreement is especially notable given the overall contentiousness of this litigation.) In such circumstances, the Master appropriately found another way of preventing knowing misbehavior.

D. Dobbs, Law of Remedies § 2.4(1), p. 92 (2d ed. 1993) ("Balancing of equities and hardships may lead the court to grant some equitable relief but not" the full measure requested); Restatement § 39, Comment *i*; *id.*, § 50, Comment *a*; *National Security Systems, Inc.* v. *Iola*, 700 F. 3d 65, 80–81, 101–102 (CA3 2012). In exercising our original jurisdiction, this Court recognizes that "flexibility [is] inherent in equitable remedies," *Brown* v. *Plata*, 563 U. S. 493, 538 (2011) (quoting *Hutto* v. *Finney*, 437 U. S. 678, 687, n. 9 (1978)), and awards them "with reference to the facts of the particular case," *Texas* v. *New Mexico*, 482 U. S., at 131 (quoting *Haffner* v. *Dobrinski*, 215 U. S. 446, 450 (1910)). So if partial disgorgement will serve to stabilize a compact by conveying an effective message to the breaching party that it must work hard to meet its future obligations, then the Court has discretion to order only that much. Cf. *Kansas* v. *Colorado*, 533 U. S. 1, 14 (2001) (concluding that a master "acted properly in carefully analyzing the facts of the case and in only awarding as much prejudgment interest as was required by a balancing of the equities").

And we agree with the Master's judgment that a relatively small disgorgement award suffices here. That is because, as the Master detailed, Nebraska altered its conduct after the 2006 breach, and has complied with the Compact ever since. See Report 112–118, 180. In 2007, Nebraska enacted new legislation establishing a mechanism to accurately forecast the State's annual allotment of Republican River water. § 23, 2007 Neb. Laws p. 1611, codified at Neb. Rev. Stat. § 46–715(6). Further, a new round of water management plans called for localities to reduce groundwater pumping by five times as much as the old (5%) target. And most important, those plans implemented a system for the State, in dry years, to force districts to curtail both surface water use and groundwater pumping. That "regulatory back-stop," as Nebraska calls it, corrects the State's original error of leaving all control of water use to unaccountable local actors. Re-

port 113 (quoting Direct Testimony of Brian Dunnigan, Director, Nebraska Department of Resources ¶43 (July 25, 2012)); see *supra*, at 459–460. Testimony before the Master showed that if the scheme had been in effect between 2002 and 2006, Nebraska would have lived within its allocation throughout that period. See Report 117. The Master thus reasonably concluded that the current water management plans, if implemented in good faith, "will be effective to maintain compliance even in extraordinarily dry years." See *id.*, at 118. And so the Master had good cause to recommend the modest award he did, which serves as an ever-present reminder to Nebraska, but does not assume its continuing misconduct.

Truth be told, we cannot be sure why the Master selected the exact number he did—why, that is, he arrived at $1.8 million, rather than a little more or a little less. The Master's report, in this single respect, contains less explanation than we might like. But then again, any hard number reflecting a balance of equities can seem random in a certain light—as Kansas's own briefs, with their ever-fluctuating ideas for a disgorgement award, amply attest. What matters is that the Master took into account the appropriate considerations—weighing Nebraska's incentives, past behavior, and more recent compliance efforts—in determining the kind of signal necessary to prevent another breach. We are thus confident that in approving the Master's recommendation for about half again Kansas's actual damages, we award a fair and equitable remedy suited to the circumstances.

For related reasons, we also reject Kansas's request for an injunction ordering Nebraska to comply with the Compact and Settlement. Kansas wants such an order so that it can seek contempt sanctions against Nebraska for any future breach. See Brief for Kansas 36–44. But we agree with the Master that Kansas has failed to show, as it must to obtain an injunction, a "cognizable danger of recurrent violation." *United States* v. *W. T. Grant Co.*, 345 U. S. 629, 633

(1953). As just discussed, Nebraska's new compliance measures, so long as followed, are up to the task of keeping the State within its allotment. And Nebraska is now on notice that if it relapses, it may again be subject to disgorgement of gains—either in part or in full, as the equities warrant. That, we trust, will adequately guard against Nebraska's repeating its former practices.

IV

The final question before us concerns the Special Master's handling of Nebraska's counterclaim. As we have noted, Nebraska contended that the Settlement's Accounting Procedures inadvertently charge the State for using "imported water"—specifically, water from the Platte River—in conflict with the parties' intent in both the Compact and the Settlement. See *supra*, at 452. The Master agreed, and recommended modifying the Procedures by adopting an approach that the parties call the "5-run formula," to ensure that Nebraska's consumption of Platte River water will not count toward its Compact allotment. Kansas now objects to that proposed remedy.

The Compact, recall, apportions the virgin water supply of the Republican River and its tributaries—nothing less, but also nothing more. See Compact Art. III; *supra*, at 449–450. One complexity of that project arises from water's . . . well, fluid quality. Nebraska imports water from the Platte River, outside the Republican River Basin and thus outside the Compact's scope, to irrigate farmland. And that imported water simply will not stay still: Some of it seeps through the ground and raises stream flow in the Republican River and its tributaries. See Second Report of Special Master, O. T. 1999, No. 126, Orig., pp. 62–63 (Second Report). In negotiating the Settlement, the States undertook—as part of their effort to accurately apportion *the Basin's* water—to exclude all such imported water from their calculations. Reflecting the Compact's own scope, § IV(F) of the Settle-

ment states, in no uncertain terms, that "Beneficial Consumptive Use of Imported Water Supply shall not count as Computed Beneficial Consumptive Use" of Republican River Basin water. Which means, without all that distracting capitalization, that when Nebraska consumes imported water that has found its way into the Basin's streams, that use shall not count toward its Compact allotment. But that edict of course requires calculating (in order to exclude) the State's consumption of imported water. The Settlement's Accounting Procedures, in tandem with its Groundwater Model, are the tools the parties employ to make that computation.

But as the Master found, the Procedures (and Model) founder in performing that task in dry conditions: They treat Nebraska's use of imported water as if it were use of Basin water. That failure flows from the way the Procedures measure a State's consumption of water resulting from groundwater pumping. According to the Settlement, such pumping is to count against a State's allotment only to the extent it reduces stream flow in specified areas—which it rarely does in a 1-to-1 ratio and sometimes does not do at all. See *id.*, § IV(C)(1); Report 19; n. 1, *supra.* Most notable here, pumping cannot deplete an already wholly dry stream—and in arid conditions, some of the Basin's tributaries in fact run dry. As the Master put the point, stream flow in a given area "fall[s] as groundwater pumping increases until it hits zero, at which point it falls no more even as groundwater pumping continues." Report 34. When that point arrives, Nebraska's continued pumping should not count as consumption of the Basin's virgin water. But—and here lies the rub—imported water (from the Platte) can create stream flow in what would otherwise be a dry riverbed. And the Accounting Procedures (and Model) fail to account for that possibility; accordingly, they see depletion of the Basin's stream flow—the sole measure of the State's consumption—where they should not. The result is to count imported water toward the State's consumption of Basin

water. In 2006, for example, the Procedures charged Nebraska with using 7,797 acre-feet of Platte River water, over 4% of the State's allotment. By our estimate, just that single year's miscalculation cost Nebraska over $1 million. See *id.*, at 37, 176.

The Master specifically determined, and our review of the relevant testimony confirms, that the parties did not know the Accounting Procedures would have that effect. See *id.*, at 23–32. The States intended the Procedures (as per the Compact and Settlement) to count only consumption of the Basin's own water supply—and correlatively, to exclude use of water from the Platte. See *id.*, at 23–25; see also Second Report 37, 64 (same conclusion reached by the Special Master approving the Settlement). There is no evidence that anyone seriously thought, much less discussed, that the Accounting Procedures might systematically err in accomplishing those computations. See Report 26–27.[9] And because no one knew of the fault in the Procedures, no one could possibly trade it off for other items during the parties' negotiations. Thus, as the Master found, Nebraska did not receive anything, nor did Kansas give up anything, in exchange for the (unknown) error. See *id.*, at 28–31. To the contrary, as all witnesses explained, the designers of the Procedures worked single-mindedly to implement the Compact's and Settlement's strict demarcation between virgin and imported water—and assumed they had succeeded. See *id.*, at 31–32.

But even if all that is so, Kansas argues (along with the dissent) that a deal is a deal is a deal—and this deal did not

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[9] Kansas argues otherwise, see Brief for Kansas 28–29, but the part of the record it cites further proves our point. There, Colorado's expert testified that during development of the Groundwater Model—months after adoption of the Accounting Procedures—he "intellectually understood" that the imported-water problem could occur, but "didn't think that it would" and didn't recall the issue ever coming up in discussions. Report 26 (quoting Tr. 676 (Aug. 13, 2012)); *id.*, at 727–728.

include the 5-run formula the Master now proposes. See Brief for Kansas 31–34; *post*, at 490–493. On that view, the parties' clear intent to exclude imported water does not matter; nor does their failure to appreciate that the Procedures, in opposition to that goal, would count such water in material amounts. According to Kansas, so long as the parties bargained (as they did) for the Procedures they got, that is the end of the matter: No one should now be heard to say that there is a better mode of accounting. See Tr. of Oral Arg. 54–55.

That argument, however, does not pass muster. Of course, courts generally hold parties to the deals they make; and of course, courts should hesitate, and then hesitate some more, before modifying a contract, even to remove an inadvertent flaw. But in this Compact case, two special (and linked) considerations warrant reforming the Accounting Procedures as the Master has proposed—or better phrased, warrant *conforming* those Procedures to the parties' underlying agreements. First, that remedy is necessary to prevent serious inaccuracies from distorting the States' intended apportionment of interstate waters, as reflected in both the Compact and the Settlement. And second, it is required to avert an outright breach of the Compact—and so a violation of federal law. We address each point in turn.

In resolving water disputes, this Court has opted to correct subsidiary technical agreements to promote accuracy in apportioning waters under a compact. In *Texas* v. *New Mexico*, for example, the parties entered into a compact that based division of the Pecos River on certain conditions existing in 1947. The States further agreed that those conditions were described and defined in a particular engineering report. But that report turned out to contain material errors. Notwithstanding Texas's objection that the parties had assented to its use, we set aside the flawed study and adopted a new technical document that more accurately depicted the real-world conditions of the compact's specified baseline year.

See 446 U. S. 540 (1980) (*per curiam*) (setting aside the old document); 462 U. S., at 562–563 (describing the litigation); 467 U. S. 1238 (1984) (approving the new document); 482 U. S., at 127 (describing that approval).

Similarly, in *Kansas* v. *Colorado*, 543 U. S. 86 (2004), we modified an agreement to ensure that it would correctly measure Colorado's compliance with the Arkansas River Compact. The parties had consented to use a computer model on a year-by-year basis to gauge their consumption of water. See *id.*, at 102 ("[B]oth [States] agreed to the use of annual measurement"). But after a time, a Special Master determined that annual accounting produced serious errors, whereas employing a 10-year measuring period accurately determined compact compliance. Over Kansas's protest, we accordingly approved the Master's alteration of the parties' agreement to assess compliance each year. And in countering Kansas's objection to the introduction of a 10-year measuring period, we posited that the compact's drafters, albeit unaware of "complex computer modeling[,] . . . would have preferred accurate measurement." *Ibid.*[10]

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[10] The dissent misunderstands the meaning and relevance of these decisions. It is of course true, as the dissent says, that in neither case did the Court reform a compact. See *post*, at 491. What the Court did do, contrary to the dissent's protestations, was what we do here: modify an ancillary agreement to make sure it accurately implemented a compact's apportionment. In *Texas* v. *New Mexico*, we interpreted a compact term, as the dissent says, see *post*, at 491; but we additionally threw out a technical report that the parties agreed would effectuate that term when it later proved erroneous. And similarly in *Kansas* v. *Colorado*, we altered an ancillary agreement to measure water usage year by year. The dissent contends that the States in that case had no such agreement, though acknowledging that they had one to calculate damages on an annual basis. See *post*, at 491–492. But the two were one and the same. Damages arise from violations, and violations occur when a State consumes too much water. In calling for year-by-year measurement of damages, the agreement also called for year-by-year assessment of consumption. And nothing supports the dissent's claim that this agreement applied only retrospectively, rather than to assess both usage and damages on an ongoing

The teaching of those cases applies as well to this one: In each, this Court's authority to devise "fair and equitable solutions" to interstate water disputes encompasses modifying a technical agreement to correct material errors in the way it operates and thus align it with the compacting States' intended apportionment. *Texas* v. *New Mexico*, 482 U. S., at 134; cf. *Kansas* v. *Colorado*, 543 U. S., at 102 ("After all, a 'credit' for surplus water that rests upon *in*accurate measurement is not really a credit at all"). Much as in *Texas* v. *New Mexico* and *Kansas* v. *Colorado*, the subsidiary Accounting Procedures here failed to accurately measure what they were supposed to. Modifying those Procedures does no more than make them consonant with the Compact and Settlement, ensuring that they help to realize, rather than frustrate, the agreed-upon division of water.

Indeed, the case for modification is still stronger here, because (as we explain below) the Accounting Procedures as written affirmatively violate the Compact. That accord is the supreme law in this case: As the States explicitly recognized, they could not change the Compact's terms even if they tried. See Settlement § I(D) ("[T]his Stipulation and the Proposed Consent Judgment are not intended to, nor could they, change the States' respective rights and obligations under the Compact"). That is a function of the Compact's status as federal law, which binds the States unless and until Congress says otherwise. And Congress, of course, has not said otherwise here. To enter into a settlement contrary to the Compact is to violate a federal statute. See *Vermont* v. *New York*, 417 U. S. 270, 278 (1974) (*per curiam*). And as we have discussed, our equitable authority to grant remedies is at its apex when public rights and obligations are thus implicated. See *Porter*, 328 U. S., at 398; *supra*, at 455–456.

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basis. So to impose a 10-year measuring period, consistent with accurate apportionment under the Compact, we had to alter the agreement.

The Accounting Procedures' treatment of imported water first conflicts with the Compact by going beyond its boundaries—in essence, by regulating water *ultra vires*. According to its terms, the Compact pertains, and pertains only, to "virgin water supply originating in" the Republican River Basin. Compact Art. III; see *supra*, at 449, 467. The agreement's very first Article drives that point home: "The physical and other conditions peculiar to the Basin constitute the basis for this compact," and nothing in it relates to any other waterway. To divide or otherwise regulate streams *outside* the Basin, the States would have to enter into a separate agreement and gain congressional approval. (The reason no one thought the Settlement needed such consent is precisely because it purported to stay within the Compact's limits. See Settlement § I(D).) And yet, the Accounting Procedures have the effect of including such outside water within the Compact's apportionment scheme (by counting its use against a State's allotment). The Procedures make water from the Platte subject to the Compact, in contravention of its scope; or conversely stated, they expand the Compact's prescribed scope to cover water from the Platte. That is not within the States' authority.

What is more, the Procedures' treatment of imported water deprives Nebraska of its rights under the Compact to the Basin's own water supply. That is because the inescapable effect of charging Nebraska for the use of imported water, as the Procedures do, is to reduce the amount of Republican River water the State may consume. Suppose the Compact grants 100 units of Republican River water to Nebraska and Kansas alike; and further assume that the Accounting Procedures count 10 units of Platte River water toward Nebraska's allotment. That means Nebraska may now consume only 90 units of Republican River water (or else pay Kansas damages). The Procedures thus change the States' shares of Basin water, to Nebraska's detriment: Nebraska now has less, and Kansas relatively more, than the

Compact allows. That, too, lies outside what the States can do.

In light of all the above, we think the Master's proposed solution the best one possible. The 5-run formula that he recommends conforms the Procedures to both the Compact and the Settlement by excluding imported water from the calculation of each State's consumption. See Report 55–56; *id.*, at App. F. Kansas has not provided any workable alternative to align the Accounting Procedures with the Compact and Settlement. Nor has Kansas credibly shown that this simple change will introduce any other inaccuracy into Compact accounting. See *id.*, at 58–68. The amendment will damage Kansas in no way other than by taking away something to which it is not entitled. In another case, with another history, we might prefer to instruct the parties to figure out for themselves how to bring the Accounting Procedures into line with the Compact. See *New York* v. *New Jersey*, 256 U. S. 296, 313 (1921) (noting that negotiation is usually the best way to solve interstate disputes). But we doubt that further discussion about this issue will prove productive. Arbitration has already failed to produce agreement about how to correct the Procedures. See *supra*, at 452. And before the Special Master, both parties indicated that further "dispute resolution proceedings before the RRCA or an arbitrator" would be "futile." Report 69 (quoting Case Management Order No. 9, ¶5 (Jan. 25, 2013)). We accordingly adopt the Master's recommendation to amend the Accounting Procedures so that they no longer charge Nebraska for imported water.

V

Nebraska argues here for a cramped view of our authority to order disgorgement. Kansas argues for a similarly restrictive idea of our power to modify a technical document. We think each has too narrow an understanding of this Court's role in disputes arising from compacts apportioning interstate streams. The Court has broad remedial author-

ity in such cases to enforce the compact's terms. Here, compelling Nebraska to disgorge profits deters it from taking advantage of its upstream position to appropriate more water than the Compact allows. And amending the Accounting Procedures ensures that the Compact's provisions will govern the division of the Republican River Basin's (and only that Basin's) water supply. Both remedies safeguard the Compact; both insist that States live within its law. Accordingly, we adopt all of the Special Master's recommendations.

It is so ordered.

CHIEF JUSTICE ROBERTS, concurring in part and dissenting in part.

I join Parts I and III of the Court's opinion. I am in general agreement with the discussion in Part II, but I do not believe our equitable power, though sufficient to order a remedy of partial disgorgement, permits us to alter the Accounting Procedures to which the States agreed. I therefore join Part III of JUSTICE THOMAS's opinion.

JUSTICE SCALIA, concurring in part and dissenting in part.

I join JUSTICE THOMAS's opinion. I write separately to note that modern Restatements—such as the Restatement (Third) of Restitution and Unjust Enrichment (2010), which both opinions address in their discussions of the disgorgement remedy—are of questionable value, and must be used with caution. The object of the original Restatements was "to present an orderly statement of the general common law." Restatement of Conflict of Laws, Introduction, p. viii (1934). Over time, the Restatements' authors have abandoned the mission of describing the law, and have chosen instead to set forth their aspirations for what the law ought to be. Keyes, The Restatement (Second): Its Misleading Quality and a Proposal for Its Amelioration, 13 Pepp. L. Rev. 23, 24–25 (1985). Section 39 of the Third Restatement

of Restitution and Unjust Enrichment is illustrative; as JUSTICE THOMAS notes, *post*, at 483 (opinion concurring in part and dissenting in part), it constitutes a "'novel extension'" of the law that finds little if any support in case law. Restatement sections such as that should be given no weight whatever as to the current state of the law, and no more weight regarding what the law ought to be than the recommendations of any respected lawyer or scholar. And it cannot safely be assumed, without further inquiry, that a Restatement provision describes rather than revises current law.

JUSTICE THOMAS, with whom JUSTICE SCALIA and JUSTICE ALITO join, and with whom THE CHIEF JUSTICE joins as to Part III, concurring in part and dissenting in part.

Kansas, Nebraska, and Colorado have presented us with what is, in essence, a contract dispute. In exercising our original jurisdiction in this case, we have a responsibility to act in accordance with the rule of law and with appropriate consideration for the sovereign interests of the States before us. I agree with the Court's conclusion that Nebraska knowingly, but not deliberately, breached the Republican River Compact, and I agree that there is no need to enter an injunction ordering Nebraska to comply with the Compact. But that is where my agreement ends. Applying ordinary principles of contract law to this dispute, I would neither order disgorgement nor reform the States' settlement agreement.

This Court once understood that "the hardship of the case . . . is not sufficient to justify a court of equity to depart from all precedent and assume an unregulated power of administering abstract justice at the expense of well-settled principles." *Heine* v. *Levee Comm'rs*, 19 Wall. 655, 658 (1874). Today, however, the majority disregards these limits. Invoking equitable powers, without equitable principles, the majority ignores the principles of contract law that

we have traditionally applied to compact disputes between sovereign States. It authorizes an arbitrary award of disgorgement for breach of that contract. And, it invents a new theory of contract reformation to rewrite the agreed-upon terms of that contract. I respectfully dissent from these holdings.

I

A

The States in this action disagree about their rights and responsibilities under the Republican River Compact and their 2002 Final Settlement Stipulation (Settlement), and they have asked this Court to resolve what is, in essence, a contract dispute. "An interstate compact, though provided for in the Constitution, and ratified by Congress, is nonetheless essentially a contract between the signatory States." *Oklahoma* v. *New Mexico*, 501 U. S. 221, 242 (1991) (Rehnquist, C. J., concurring in part and dissenting in part). Likewise, a legal settlement agreement is a contract. *Kokkonen* v. *Guardian Life Ins. Co. of America*, 511 U. S. 375, 381–382 (1994).

The Court should therefore interpret the agreements at issue according to "the principles of contract law." *Tarrant Regional Water Dist.* v. *Herrmann*, 569 U. S. 614, 628 (2013). Under these principles, the Compact and Settlement are "legal document[s] that must be construed and applied in accordance with [their] terms." *Texas* v. *New Mexico*, 482 U. S. 124, 128 (1987) (*Texas III*); see also *Kaktovik* v. *Watt*, 689 F. 2d 222, 230 (CADC 1982) (applying "familiar principles of contract law" to a settlement agreement).

That command is even stronger in the context of interstate compacts, which must be approved by Congress under the Compact Clause of the Constitution. Art. I, § 10, cl. 3; *Alabama* v. *North Carolina*, 560 U. S. 330, 351–352 (2010). Because these compacts are both contracts and federal law, we must be more careful to adhere to their express terms, not

less so. *Ibid.* If judges had the power to apply their own notions of fairness "to the implementation of federal statutes, [they] would be potent lawmakers indeed." *Id.*, at 352. Thus, to the extent that we have departed from contract law principles when adjudicating disputes over water compacts, it has been to *reject* loose equitable powers of the sort the majority now invokes. See, *e. g.*, *id.*, at 351–353 (rejecting an implied duty of good faith and fair dealing in interstate compacts). We have repeatedly said that "we will not order relief inconsistent with the express terms of a compact, no matter what the equities of the circumstances might otherwise invite." *Id.*, at 352 (internal quotation marks and alterations omitted).

B

Rather than apply "the principles of contract law," *Tarrant Regional Water Dist.*, *supra*, at 628, the majority calls upon broad equitable power. *Ante*, at 453–456. It evidently draws this power from its "inherent authority" to apportion interstate streams in the absence of an interstate water compact. *Ante*, at 454. In the majority's view, States bargain for water rights "in the shadow of our equitable apportionment power," and thus we "may invoke equitable principles" to "devise fair . . . solutions" to disputes between States about the bargains they struck. *Ante*, at 455 (internal quotation marks and alteration omitted).

That conclusion gets things backwards: As we have explained, once a compact is formed, "courts have no power to substitute their own notions of an equitable apportionment for the apportionment chosen by Congress" and the States. *Texas* v. *New Mexico*, 462 U. S. 554, 568 (1983) (*Texas II*) (internal quotation marks omitted).

The majority next asserts "still greater" equitable power by equating contract disputes between sovereign States with cases involving federal law and the public interest. *Ante*, at 455. Although the majority recognizes that it "may not order relief inconsistent with a compact's express terms," it

claims enlarged powers "within those limits." *Ante*, at 456 (internal quotation marks and alterations omitted). "When federal law is at issue and the public interest is involved," the majority says, the Court's equitable powers are "even broader and more flexible" than when it resolves a private-law dispute. *Ibid.* (internal quotation marks omitted).

But the precedents on which the majority relies to justify this power have nothing to do with water disputes between States. The majority cites *Porter* v. *Warner Holding Co.*, 328 U. S. 395 (1946), which involved a suit by the Administrator of the Office of Price Administration for an injunction against a landlord who had charged too much rent in violation of the Emergency Price Control Act of 1942. In that case, the Court recognized a public interest in the Administrator's effort to "enforce compliance" with the Act, and "to give effect to its purposes." *Id.*, at 400. The Court reasoned that, "since the public interest is involved in a proceeding of this nature, [a district court's] equitable powers assume an even broader and more flexible character than when only a private controversy is at stake." *Id.*, at 398. The authority *Porter* cited for this point was *Virginian R. Co.* v. *Railway Employees*, 300 U. S. 515 (1937), a case on which the majority likewise relies. *Ante*, at 456. But that case, like *Porter*, did not involve a state party or an interstate water dispute; instead, it concerned a dispute between private parties—a railroad and its employees' union—arising under the Railway Labor Act. *Virginian R. Co.*, *supra*, at 538. As in *Porter*, the Court recognized a public interest in the enforcement of a federal administrative scheme, explaining that Congress had made a "declaration of public interest and policy which should be persuasive in inducing courts to give relief." 300 U. S., at 552.

This case, by contrast, involves the inherent authority of sovereign States to regulate the use of water. The States' "power to control navigation, fishing, and other public uses of water" is not a function of a federal regulatory program;

it "is an essential attribute of [state] sovereignty." *Tarrant Regional Water Dist.*, 569 U. S., at 631 (internal quotation marks omitted). Thus, when the Court resolves an interstate water dispute, it deals not with public policies created by federal statutes, but with pre-existing sovereign rights, allocated according to the mutual agreement of the parties with the consent of Congress. Although the consent of Congress makes statutes of compacts, our flexibility in overseeing a federal statute that pertains to the exercise of these sovereign powers is not the same as the flexibility *Porter* claimed for courts engaged in supervising the administration of a federal regulatory program. Authority over water is a core attribute of state sovereignty, and "[f]ederal courts should pause before using their inherent equitable powers to intrude into the proper sphere of the States." *Missouri* v. *Jenkins*, 515 U. S. 70, 131 (1995) (THOMAS, J., concurring).

Moreover, even if the involvement of "public interests" might augment the Court's equitable powers in the context of disputes involving regulated parties and their regulators, it does not have the same effect in a dispute between States. States—unlike common carriers and landlords—"possess sovereignty concurrent with that of the Federal Government." *Gregory* v. *Ashcroft*, 501 U. S. 452, 457 (1991) (internal quotation marks omitted). States thus come before this Court as sovereigns, seeking our assistance in resolving disputes "of such seriousness that it would [otherwise] amount to a *casus belli*." *Nebraska* v. *Wyoming*, 515 U. S. 1, 8 (1995) (internal quotation marks omitted). The Federalist Papers emphasized that this Court's role in resolving interstate disputes "[would] not change the principle" of state sovereignty, and they gave assurances that the Court would take "all the usual and most effectual precautions" necessary for impartial and principled adjudication. The Federalist No. 39, pp. 245–246 (C. Rossiter ed. 1961) (J. Madison).

For that reason, when the parties before this Court are States, the Court should be more circumspect in its use of

equitable remedies, not less. We have explained, for example, that "[w]e are especially reluctant to read absent terms into an interstate compact given the federalism and separation-of-powers concerns that would arise were we to rewrite an agreement among sovereign States, to which the political branches consented." *Alabama*, 560 U. S., at 352. The use of unbounded equitable power against States similarly threatens "to violate principles of state sovereignty and of the separation of powers," *Jenkins*, 515 U. S., at 130 (THOMAS, J., concurring). In controversies among States, the Court should therefore "exercise the power to impose equitable remedies only sparingly, subject to clear rules guiding its use." *Id.*, at 131.

II

Applying ordinary contract principles, I would reject the Special Master's recommendation to order disgorgement of Nebraska's profits for breach of a compact. That remedy is not available for a nondeliberate breach of a contract. And even if it were, such an award must be based on Nebraska's profits, not the arbitrary number the Master selected.

A

1

Although our precedents have not foreclosed disgorgement of profits as a remedy for breach of a water compact, they have suggested that disgorgement would be available, if at all, only for the most culpable breaches: those that are "deliberate." *Texas III*, 482 U. S., at 132. The traditional remedy for breach of a water compact has been performance through delivery of water. See *Kansas* v. *Colorado*, 533 U. S. 1, 23 (2001) (O'Connor, J., concurring in part and dissenting in part). Although we deviated from that traditional remedy in *Texas III*, when we authorized money damages, 482 U. S., at 132, the majority cites no case in which we have ever awarded disgorgement. The lone reference to

that remedy in our precedents is dictum in *Texas III* asserting that the money damages award in that case would not encourage efficient breaches of water compacts "in light of the authority to order . . . whatever additional sanction might be thought necessary for deliberate failure to perform . . . ." *Ibid.*

The lack of support for disgorgement in our compact cases comports with the general law of remedies. The usual remedy for breach of a contract is damages based on the injured party's "actual loss caused by the breach." Restatement (Second) of Contracts § 347, Comment *e*, p. 116 (1979). Disgorgement, by contrast, is an extraordinary remedy that goes beyond a plaintiff's damages, requiring the breaching party to refund additional profits gained in the breach. See 3 D. Dobbs, Law of Remedies § 12.7(3), pp. 166–167 (2d ed. 1993). In American law, disgorgement of profits is not generally an available remedy for breach of contract. *Id.*, § 12.7(4), at 171.

Even if *Texas III* supported a narrow exception for cases involving deliberate breach of a water compact, that exception would not apply here. Although it is uncontested that Nebraska breached the Compact and that Kansas lost $3.7 million as a result, *ante*, at 456–457, the Master expressly found that there is no evidence that Nebraska deliberately breached the Compact, Report of Special Master 111, 130 (Report). In fact, Nebraska's efforts "were earnest and substantial enough to preclude a finding that this was a consciously opportunistic breach." *Id.*, at 131. And although the majority adopts the finding that Nebraska "knowingly failed" to comply with the Compact, *ante*, at 460 (internal quotation marks omitted), a finding that I do not dispute, neither the parties nor the majority disagrees with the Master's conclusion that Nebraska did not intentionally or deliberately breach the Compact, *ante*, at 457–461. Under such circumstances, disgorgement is not an available remedy.

The Special Master nevertheless recommended disgorgement because Nebraska "knowingly exposed Kansas to a substantial risk" of noncompliance. Report 130. He rested this recommendation on the Restatement (Third) of Restitution and Unjust Enrichment § 39 (2010). See Report 130–134. That section proposes awarding disgorgement when a party's profits from its breach are greater than the loss to the other party. The remedy is thought necessary because one party may "exploit the shortcomings" of traditional damages remedies by breaching contracts when its expected profits exceed the damages it would be required to pay to the other party. Restatement (Third) of Restitution § 39, Comment *b*, at 649. In other words, the remedy "condemns a form of conscious advantage-taking" and seeks to thwart an "opportunistic calculation" that breaching is better than performing. *Ibid.*

This Court, however, has never before relied on § 39 nor adopted its proposed theory of disgorgement. And for good reason: It lacks support in the law. One reviewer of § 39 has described it as a "novel extension" of restitution principles that "will alter the doctrinal landscape of contract law." Roberts, Restitutionary Disgorgement for Opportunistic Breach of Contract and Mitigation of Damages, 42 Loyola (LA) L. Rev. 131, 134 (2008). And few courts have ever relied on § 39. The sheer novelty of this proposed remedy counsels against applying it here.

In any event, § 39 opines that disgorgement should be available only when a party *deliberately* breaches a contract. This makes sense. If disgorgement is an antidote for "efficient breach," then it need only be administered when "conscious advantage-taking" and "opportunistic calculation" are present. But as noted above, the Master expressly found that no deliberate breach occurred. Report 130. The Master's reliance on § 39 was accordingly misplaced.

3

Perhaps recognizing the weakness in the Master's recommendation, the majority takes a different approach, fashioning a new remedy of disgorgement for reckless breach. According to the majority, Nebraska's conduct was essentially reckless, *ante*, at 460–461, and the Court may order disgorgement "when a State has demonstrated reckless disregard" for another State's contractual rights, *ante*, at 463. As with the Restatement's proposed theory, there is no basis for that proposition in our cases.

Because disgorgement is available, if at all, only in cases of *deliberate* breach, the majority asserts that, "[i]n some areas of the law," the line between intent and reckless disregard "makes no difference." *Ante*, at 462. Accepting the truth of that proposition in some circumstances, the majority's caveat acknowledges that it is not true in others. Indeed, the law often places significant weight on the distinction between intentional and reckless conduct. See, *e. g.*, *Kawaauhau* v. *Geiger*, 523 U. S. 57, 61 (1998) (discussing "'willful,'" "deliberate," and intentional conduct, and distinguishing those terms from "reckless" conduct); see also *Global-Tech Appliances, Inc.* v. *SEB S. A.*, 563 U. S. 754, 769–770 (2011) (distinguishing "willful blindness" from "recklessness").

The majority provides scant support for its conclusion that breach of an interstate water compact is an area in which the line between intent and recklessness is practically irrelevant. It first relies on *Bullock* v. *BankChampaign, N. A.*, 569 U. S. 267, 269 (2013), in which the Court determined the mental state necessary for "'defalcation while acting in a fiduciary capacity,'" as used in the Bankruptcy Code. *Ante*, at 462. In the absence of a fiduciary relationship, however, *Bullock* has little relevance. Cf. *Harris Trust and Sav. Bank* v. *Salomon Smith Barney Inc.*, 530 U. S. 238, 250 (2000) (noting the special disgorgement

rules that apply "when a trustee in breach of his fiduciary duty to the beneficiaries transfers trust property to a third person").

The majority next relies on *Ernst & Ernst* v. *Hochfelder*, 425 U. S. 185 (1976), which addressed "scienter" under § 10(b) of the Securities Exchange Act of 1934. *Ante*, at 462 (citing 425 U. S., at 193–194, n. 12). The Court noted that it used the term "scienter" to mean "intent to deceive, manipulate, or defraud." *Id.*, at 194, n. 12. It then asserted—in dictum and without support—that recklessness is considered to be a form of intentional conduct in some areas of the law, but it declined to address whether reckless conduct could be sufficient for § 10(b) liability. *Ibid.* That dictum is hardly sufficient grounds for claiming that recklessness and intent are equivalent mental states in compact disputes between States.

If anything, the reverse is true. Disgorgement is strong medicine, and as with other forms of equitable power, we should impose it against the States "only sparingly." *Jenkins*, 515 U. S., at 131 (THOMAS, J., concurring). The majority insists that the justification for disgorgement is enhanced "when one State gambles with another State's rights to a scarce natural resource." *Ante*, at 462. But the way this Court has always discouraged gambling with this scarce resource is to require delivery of water, not money. Prior to 1987, "we had never even suggested that monetary damages could be recovered from a State as a remedy for its violation of an interstate compact apportioning the flow of an interstate stream." *Kansas* v. *Colorado*, 533 U. S., at 23 (O'Connor, J., concurring in part and dissenting in part). If a State's right to the "scarce natural resource" of water is the problem, then perhaps the Court ought to follow its usual practice of ordering specific performance rather than improvising a new remedy of "reckless disgorgement."

B

The majority compounds its errors by authorizing an arbitrary amount of disgorgement. As explained above, the measure of the disgorgement award should be the profits derived from a deliberate breach. Yet the Special Master acknowledged that its $1.8 million award was not based on any measure of Nebraska's profits from breaching the Compact. Report 179–180. The Master gave no dollar estimate of Nebraska's profits and said only that its gain was "very much larger than Kansas' loss" of $3.7 million, "likely by more than several multiples." *Id.*, at 178. Despite producing no estimate more precise than "very much larger," the Master ordered a disgorgement award of $1.8 million. *Id.*, at 178–179.

The majority explains that "we cannot be sure why the Master selected the exact number he did." *Ante*, at 466. Indeed. Neither the majority nor the Special Master nor I can identify a justifiable basis for this amount. It appears that $1.8 million just feels like not too much, but not too little.

We should hold ourselves to a higher standard. In other contexts, we have demanded that district courts "provide proper justification" for a monetary award rather than divining an amount that appears to be "essentially arbitrary." *Perdue* v. *Kenny A.*, 559 U. S. 542, 557 (2010). We should do the same ourselves if we are going to award disgorgement here. As with ordinary damages, disgorgement should not be awarded "beyond an amount that the evidence permits to be established with reasonable certainty." Restatement (Second) of Contracts § 352. And a disgorgement award ought to be calculated based on something more than the Special Master's intuitions.

The majority claims that the Master "took into account the appropriate considerations," including "Nebraska's incentives, past behavior, and more recent compliance efforts" in reaching the award. *Ante*, at 466. But it makes no difference that he took those factors into account if he arrived at a number that has no articulable relationship to Nebraska's

profits. Equitable disgorgement is not an arbitrary penalty designed to compel compliance, nor should it become one.

What is more, the Master considered factors beyond those relevant to the calculation of a disgorgement award. In his view, $1.8 million "moves substantially towards turning the actual recovery by Kansas, net of reasonable transaction costs, into an amount that approximates a full recovery for the harm suffered." Report 179. In other words, $1.8 million makes Kansas whole because it is a reasonable estimate of Kansas' "transaction costs"—which presumably means the State's attorney's fees and litigation costs. But, under the "American Rule," we generally do not award attorney's fees "to a prevailing party absent explicit statutory authority." *Buckhannon Board & Care Home, Inc.* v. *West Virginia Dept. of Health and Human Resources*, 532 U. S. 598, 602 (2001) (internal quotation marks omitted). And neither the majority, nor Kansas, nor the Special Master offers any support for the proposition that a disgorgement award can smuggle in an award of attorney's fees. If disgorgement were an appropriate remedy in this case, then the Court should require a calculation based on Nebraska's profits rather than Kansas' "transaction costs."

III

A

I would also reject the Master's recommendation to reform the Settlement because that recommendation conflicts with the equitable doctrine of reformation. The remedy of reformation is available to correct a contract if, "owing to mutual mistake, the language used therein did not fully or accurately express the agreement and intention of the parties." *Philippine Sugar Estates Development Co.* v. *Government of Philippine Islands*, 247 U. S. 385, 389 (1918). The well-established rule is that, when a written contract "fails to express the agreement because of a mistake of both parties as to the contents or effect of the writing, the court

may at the request of a party reform the writing to express the agreement." Restatement (Second) of Contracts § 155, at 406.

Reformation is thus available only when the parties reach an agreement but then "fail to express it correctly in the writing." *Id.*, Comment *a*, at 406. If "the parties make a written agreement that they would not otherwise have made because of a mistake other than one as to expression, the court will not reform a writing to reflect the agreement that it thinks they would have made." *Id.*, Comment *b*, at 408. Because modifying a written agreement is an extraordinary step, a party seeking reformation must prove the existence of a mutual mistake of expression by "'clear and convincing evidence.'" *Id.*, Comment *c*, at 410.

Nebraska cannot meet that burden because the States made no mistake in reducing their agreement to writing. Here are the terms the States agreed upon in their binding Settlement:

> "Beneficial Consumptive Use of Imported Water Supply shall not count as Computed Beneficial Consumptive Use or Virgin Water Supply. . . . Determinations of Beneficial Consumptive Use from Imported Water Supply (whether determined expressly or by implication) . . . shall be calculated in accordance with the [Republican River Compact Administration (RRCA)] Accounting Procedures and by using the RRCA Groundwater Model." Settlement § IV(F), p. 25.

The States thus agreed not to count water imported from outside the Republican River Basin. But in the very same provision, they agreed to calculate the use of imported water using the RRCA Accounting Procedures and the RRCA Groundwater Model. The terms of the Settlement are thus crystal clear: The accounting procedures control determinations of consumptive use of imported water. And the parties do not contend that they made any drafting mistake in

recording the accounting procedures or the groundwater model.

Instead, the parties' mistake was their belief that the accounting procedures and water model they agreed upon would accurately exclude imported water from the calculation of Nebraska's consumptive use. They were wrong about this. In fact, under dry weather conditions, when native water flows are depleted, the water model charges Nebraska for pumping imported water. Report 32–37. The parties did not realize the magnitude of this error. To the extent they thought about it at all, they realized the water model was not perfectly precise, but assumed that only very small, immaterial amounts of imported water would make their way into the calculations. See *id.*, at 27. A key member of the modeling committee testified that he was "intellectually aware" of the imported-water issue, but that "we didn't believe that that was going to be a big issue." Tr. 727 (testimony of Willem Schreüder).

There is *no* testimony from any source suggesting that the parties agreed to a different water model. See Report 26–27. Nebraska thus cannot meet its burden to show by clear and convincing evidence that the parties agreed to Nebraska's "'5-run formula,'" *ante,* at 467, but failed to express that agreement accurately in writing.

If there is any mistake in this Settlement, it is not a mistake in writing, but in thinking. The parties knew what the methodology was and they expressly agreed to that methodology. They simply thought the methodology would work better than it did. See Tr. 727. Even though the methodology they agreed upon was imperfect, a writing may be reformed only to conform with the parties' actual agreement, not to create a better one.

The appropriate equitable remedy, if any, in these circumstances would be rescission, not reformation. In general, if there is a mutual mistake "as to a basic assumption on which the contract was made," the adversely affected party may

seek to avoid the contract. Restatement (Second) of Contracts § 152, at 385; see also *id.*, § 155, Comment *b*, Illustration 4, at 409 (noting that reformation is not available to remedy a mistake as to something other than reducing the agreement to writing). The States have not asked for rescission, of course, but it is incorrect to suggest, see *ante*, at 473–474, that there is no other solution to this problem.

B

Realizing that ordinary reformation is not available for Nebraska, the majority again summons its equitable power and renegotiates the accounting procedures to create what it considers a fairer agreement for the States. In doing so, it announces a new doctrine of reformation: In resolving water disputes, the Court will "correct subsidiary technical agreements to promote accuracy in apportion[ment]." *Ante*, at 470. From here on out, the Court will "modif[y] a technical agreement to correct material errors in the way it operates and thus align it with the compacting States' intended apportionment." *Ante*, at 472.

As this case illustrates, adopting this novel remedy is a mistake. The majority fails in its attempt to conform this new doctrine of "technical agreement correction" with both principles of equity and our precedent governing compact disputes. And after creating an unjustified doctrine, the majority misapplies it.

1

To begin, the majority's reliance on equitable power is misplaced. That a court is exercising equitable power means only that it must look to established principles of equity. And reformation *is* the equitable doctrine that Nebraska seeks in this case. The Court should thus follow the rules of reformation, just as it would adhere to the contours of any other equitable doctrine. Indeed, we have demanded as much from lower courts when they exercise their power to grant other forms of equitable relief, such as a permanent injunction. See *eBay Inc.* v. *MercExchange, L. L. C.*, 547

U. S. 388, 392–394 (2006). If a court fails to apply the proper standard for a permanent injunction, it is no answer to recite the obvious fact that the court acted in equity. See *id.*, at 394.

Putting aside the assertion of equitable power, there is no support in our precedents for the majority's doctrine of "technical agreement correction." The majority first suggests that this Court reformed a "technical document" in *Texas* v. *New Mexico*, 446 U. S. 540 (1980) (*per curiam*) (*Texas I*). *Ante*, at 470–471. But there was no reformation at issue in that case—either of the compact or of an ancillary technical agreement—only the interpretation of the words in the Pecos River Compact. *Texas I*, *supra*, at 540; see Report of Special Master on Obligation of New Mexico to Texas Under the Pecos River Compact, O. T. 1975, No. 65, Orig., pp. 15–16, 34–37 (filed Oct. 15, 1979) (purporting to interpret the compact).

The majority also claims that in *Kansas* v. *Colorado*, 543 U. S. 86 (2004), we "approved the Master's alteration of the parties' agreement . . . ." *Ante*, at 471. But nothing in *Kansas* v. *Colorado* supports revising the express terms of a settlement agreement. In that case, the Court adopted a Special Master's recommendation to calculate water usage based on a 10-year average rather than a single year. 543 U. S., at 99–100. There is no suggestion in the Court's opinion (nor in the briefs filed in that case) that the States had previously agreed to use a 1-year method for calculating water usage or that anyone thought "reformation" of the compact or any ancillary agreement was needed. To the contrary, the Court explained that the compact simply did "not define the length of time over which" the States must make the relevant measurements. *Id.*, at 100. There was thus nothing to rewrite, nothing to reform. The majority suggests that the States in that case had " 'agreed to the use of annual measurement' " for calculating future water usage, *ante*, at 471 (quoting *Kansas* v. *Colorado*, *supra*, at 102), but the quoted passage refers to the unrelated fact that the

States had, earlier in the litigation, "agreed to the use of annual measurement for purposes of calculating *past* damages," not future water usage, 543 U. S., at 102 (emphasis added). That litigation stipulation did not apply to the calculation of *future* water usage or *future* damages. *Ibid.* Even if the majority were correct that a damages calculation is simply the flip side of a water usage calculation, *ante*, at 471, n. 10, that conclusion plainly would apply only to calculation of past water usage. It is thus no surprise that the Court held that any pre-existing damages agreements did not govern the method of measuring future compliance. *Kansas* v. *Colorado*, *supra*, at 103. Given that the Court plainly did not apply any such agreements, it cannot be said to have altered them.

2

Having improperly invented the doctrine of "technical agreement correction," the majority proceeds to misapply it. In "correcting" the accounting procedures, the majority purports to align them with the intent of the compacting parties. *Ante*, at 472. But we know that the majority's reformed contract does not match the "States' intended apportionment." *Ibid.* We know this because the Settlement expressly states that, for purposes of apportioning the flow, imported water use would be calculated using the agreed-upon "Accounting Procedures" and the "Groundwater Model." Settlement § IV(F), at 25. The States never intended to adopt the 5-run formula, and the Court has simply picked a winner and adopted Nebraska's 5-run proposal, notwithstanding a binding agreement to the contrary.

The majority also misapplies its "correction" remedy in claiming that its fix will prevent the existing accounting procedures from "affirmatively violat[ing] the Compact." *Ante*, at 472. I cannot see how this is true. First, the existing procedures do not violate the Compact. We should favor an interpretation of the Compact that would render its performance possible, rather than "impossible or meaningless."

2 S. Williston, Law of Contracts § 620, p. 1202 (1920). Read in light of this principle, the phrase "Virgin Water Supply" must be interpreted to allow for some imperfection in the groundwater models. After all, groundwater models are approximations of the physical world. Tr. 722–726. No accounting procedure can plausibly track every drop of water through the 24,900 square mile Basin. *Id.*, at 724.

Second, even if the existing accounting procedures would violate the Compact because they allocate some imported water, the majority's "correction" will not solve the problem. Because water models are always approximations, even the 5-run formula will be imprecise and will therefore violate the Compact if it is read to require the States accurately to account for every drop of imported water.

* * *

Claiming to draw from a vast reservoir of equitable power, the Court ignores the limits of its role in resolving water-compact disputes between States. And in the name of protecting downstream States from their upstream neighbors, it diminishes the sovereign status of each of them.

We owe the parties better. I would apply the same principles of contract law that we have previously applied to water disputes between States. Under those principles, I would sustain Nebraska's and Colorado's exceptions to the Master's recommendation to order $1.8 million in disgorgement, and overrule Kansas' exception to that recommendation. I would also sustain Kansas' exception to the Master's recommendation to reform the Settlement.

I agree only with the Court's decisions to overrule Nebraska's exception to the Master's finding that it knowingly failed to comply with the Compact, and Kansas' exception to the Master's recommendation not to issue an injunction requiring Nebraska to comply with the Compact.

Syllabus

NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS *v.* FEDERAL TRADE COMMISSION

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 13–534. Argued October 14, 2014—Decided February 25, 2015

North Carolina's Dental Practice Act (Act) provides that the North Carolina State Board of Dental Examiners (Board) is "the agency of the State for the regulation of the practice of dentistry." The Board's principal duty is to create, administer, and enforce a licensing system for dentists; and six of its eight members must be licensed, practicing dentists.

The Act does not specify that teeth whitening is "the practice of dentistry." Nonetheless, after dentists complained to the Board that nondentists were charging lower prices for such services than dentists did, the Board issued at least 47 official cease-and-desist letters to nondentist teeth whitening service providers and product manufacturers, often warning that the unlicensed practice of dentistry is a crime. This and other related Board actions led nondentists to cease offering teeth whitening services in North Carolina.

The Federal Trade Commission (FTC) filed an administrative complaint, alleging that the Board's concerted action to exclude nondentists from the market for teeth whitening services in North Carolina constituted an anticompetitive and unfair method of competition under the Federal Trade Commission Act. An Administrative Law Judge (ALJ) denied the Board's motion to dismiss on the ground of state-action immunity. The FTC sustained that ruling, reasoning that even if the Board had acted pursuant to a clearly articulated state policy to displace competition, the Board must be actively supervised by the State to claim immunity, which it was not. After a hearing on the merits, the ALJ determined that the Board had unreasonably restrained trade in violation of antitrust law. The FTC again sustained the ALJ, and the Fourth Circuit affirmed the FTC in all respects.

Held: Because a controlling number of the Board's decisionmakers are active market participants in the occupation the Board regulates, the Board can invoke state-action antitrust immunity only if it was subject to active supervision by the State, and here that requirement is not met. Pp. 502–516.

(a) Federal antitrust law is a central safeguard for the Nation's free market structures. However, requiring States to conform to the man-

dates of the Sherman Act at the expense of other values a State may deem fundamental would impose an impermissible burden on the States' power to regulate. Therefore, beginning with *Parker* v. *Brown*, 317 U. S. 341, this Court interpreted the antitrust laws to confer immunity on the anticompetitive conduct of States acting in their sovereign capacity. Pp. 502–503.

(b) The Board's actions are not cloaked with *Parker* immunity. A nonsovereign actor controlled by active market participants—such as the Board—enjoys *Parker* immunity only if "'the challenged restraint . . . [is] clearly articulated and affirmatively expressed as state policy,' and . . . 'the policy . . . [is] actively supervised by the State.'" *FTC* v. *Phoebe Putney Health System, Inc.*, 568 U. S. 216, 225 (quoting *California Retail Liquor Dealers Assn.* v. *Midcal Aluminum, Inc.*, 445 U. S. 97, 105). Here, the Board did not receive active supervision of its anticompetitive conduct. Pp. 503–514.

(1) An entity may not invoke *Parker* immunity unless its actions are an exercise of the State's sovereign power. See *Columbia* v. *Omni Outdoor Advertising, Inc.*, 499 U. S. 365, 374. Thus, where a State delegates control over a market to a nonsovereign actor, the Sherman Act confers immunity only if the State accepts political accountability for the anticompetitive conduct it permits and controls. Limits on state-action immunity are most essential when a State seeks to delegate its regulatory power to active market participants, for dual allegiances are not always apparent to an actor and prohibitions against anticompetitive self-regulation by active market participants are an axiom of federal antitrust policy. Accordingly, *Parker* immunity requires that the anticompetitive conduct of nonsovereign actors, especially those authorized by the State to regulate their own profession, result from procedures that suffice to make it the State's own. *Midcal*'s two-part test provides a proper analytical framework to resolve the ultimate question whether an anticompetitive policy is indeed the policy of a State. The first requirement—clear articulation—rarely will achieve that goal by itself, for entities purporting to act under state authority might diverge from the State's considered definition of the public good and engage in private self-dealing. The second *Midcal* requirement—active supervision—seeks to avoid this harm by requiring the State to review and approve interstitial policies made by the entity claiming immunity. Pp. 504–507.

(2) There are instances in which an actor can be excused from *Midcal*'s active supervision requirement. Municipalities, which are electorally accountable, have general regulatory powers, and have no private price-fixing agenda, are subject exclusively to the clear articulation requirement. See *Hallie* v. *Eau Claire*, 471 U. S. 34, 35. That *Hallie* excused municipalities from *Midcal*'s supervision rule for these reasons,

however, all but confirms the rule's applicability to actors controlled by active market participants. Further, in light of *Omni*'s holding that an otherwise immune entity will not lose immunity based on ad hoc and *ex post* questioning of its motives for making particular decisions, 499 U. S., at 374, it is all the more necessary to ensure the conditions for granting immunity are met in the first place, see *FTC* v. *Ticor Title Ins. Co.*, 504 U. S. 621, 633, and *Phoebe Putney*, *supra*, at 226. The clear lesson of precedent is that *Midcal*'s active supervision test is an essential prerequisite of *Parker* immunity for any nonsovereign entity—public or private—controlled by active market participants. Pp. 507–510.

(3) The Board's argument that entities designated by the States as agencies are exempt from *Midcal*'s second requirement cannot be reconciled with the Court's repeated conclusion that the need for supervision turns not on the formal designation given by States to regulators but on the risk that active market participants will pursue private interests in restraining trade. State agencies controlled by active market participants pose the very risk of self-dealing *Midcal*'s supervision requirement was created to address. See *Goldfarb* v. *Virginia State Bar*, 421 U. S. 773, 791. This conclusion does not question the good faith of state officers but rather is an assessment of the structural risk of market participants' confusing their own interests with the State's policy goals. While *Hallie* stated "it is likely that active state supervision would also not be required" for agencies, 471 U. S., at 46, n. 10, the entity there was more like prototypical state agencies, not specialized boards dominated by active market participants. The latter are similar to private trade associations vested by States with regulatory authority, which must satisfy *Midcal*'s active supervision standard. 445 U. S., at 105–106. The similarities between agencies controlled by active market participants and such associations are not eliminated simply because the former are given a formal designation by the State, vested with a measure of government power, and required to follow some procedural rules. See *Hallie*, *supra*, at 39. When a State empowers a group of active market participants to decide who can participate in its market, and on what terms, the need for supervision is manifest. Thus, the Court holds today that a state board on which a controlling number of decisionmakers are active market participants in the occupation the board regulates must satisfy *Midcal*'s active supervision requirement in order to invoke state-action antitrust immunity. Pp. 510–512.

(4) The State argues that allowing this FTC order to stand will discourage dedicated citizens from serving on state agencies that regulate their own occupation. But this holding is not inconsistent with the idea that those who pursue a calling must embrace ethical standards

that derive from a duty separate from the dictates of the State. Further, this case does not offer occasion to address the question whether agency officials, including board members, may, under some circumstances, enjoy immunity from damages liability. Of course, States may provide for the defense and indemnification of agency members in the event of litigation, and they can also ensure *Parker* immunity is available by adopting clear policies to displace competition and providing active supervision. Arguments against the wisdom of applying the antitrust laws to professional regulation absent compliance with the prerequisites for invoking *Parker* immunity must be rejected, see *Patrick* v. *Burget*, 486 U. S. 94, 105–106, particularly in light of the risks licensing boards dominated by market participants may pose to the free market. Pp. 512–514.

(5) The Board does not contend in this Court that its anticompetitive conduct was actively supervised by the State or that it should receive *Parker* immunity on that basis. The Act delegates control over the practice of dentistry to the Board but says nothing about teeth whitening. In acting to expel the dentists' competitors from the market, the Board relied on cease-and-desist letters threatening criminal liability, instead of other powers at its disposal that would have invoked oversight by a politically accountable official. Whether or not the Board exceeded its powers under North Carolina law, there is no evidence of any decision by the State to initiate or concur with the Board's actions against the nondentists. P. 514.

(c) Here, where there are no specific supervisory systems to be reviewed, it suffices to note that the inquiry regarding active supervision is flexible and context dependent. The question is whether the State's review mechanisms provide "realistic assurance" that a nonsovereign actor's anticompetitive conduct "promotes state policy, rather than merely the party's individual interests." *Patrick*, 486 U. S., at 100–101. The Court has identified only a few constant requirements of active supervision: The supervisor must review the substance of the anticompetitive decision, see *id.*, at 102–103; the supervisor must have the power to veto or modify particular decisions to ensure they accord with state policy, see *ibid.*; and the "mere potential for state supervision is not an adequate substitute for a decision by the State," *Ticor*, *supra*, at 638. Further, the state supervisor may not itself be an active market participant. In general, however, the adequacy of supervision otherwise will depend on all the circumstances of a case. P. 515.

717 F. 3d 359, affirmed.

KENNEDY, J., delivered the opinion of the Court, in which ROBERTS, C. J., and GINSBURG, BREYER, SOTOMAYOR, and KAGAN, JJ., joined.

ALITO, J., filed a dissenting opinion, in which SCALIA and THOMAS, JJ., joined, *post*, p. 516.

Hashim M. Mooppan argued the cause for petitioner. With him on the briefs were *Glen D. Nager* and *Amanda R. Parker*.

Deputy Solicitor General Stewart argued the cause for respondent. With him on the brief were *Solicitor General Verrilli*, *Assistant Attorney General Baer*, *Brian H. Fletcher*, *Jonathan E. Nuechterlein*, *David C. Shonka*, *Imad D. Abyad*, and *Mark S. Hegedus*.*

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*Briefs of *amici curiae* urging reversal were filed for the State of West Virginia et al. by *Patrick Morrisey*, Attorney General of West Virginia, *Elbert Lin*, Solicitor General, *Misha Tseytlin*, Deputy Attorney General, and *Jennifer S. Greenlief* and *J. Zak Ritchie*, Assistant Attorneys General, and by the Attorneys General for their respective States as follows: *Luther Strange* of Alabama, *Thomas C. Horne* of Arizona, *Dustin McDaniel* of Arkansas, *John W. Suthers* of Colorado, *George Jepsen* of Connecticut, *Joseph R. Biden III* of Delaware, *Pamela Jo Bondi* of Florida, *David M. Louie* of Hawaii, *Lawrence G. Wasden* of Idaho, *Gregory F. Zoeller* of Indiana, *Derek Schmidt* of Kansas, *Jack Conway* of Kentucky, *Douglas F. Gansler* of Maryland, *Bill Schuette* of Michigan, *Roy Cooper* of North Carolina, *Michael DeWine* of Ohio, *Ellen F. Rosenblum* of Oregon, *Alan Wilson* of South Carolina, *Robert E. Cooper, Jr.*, of Tennessee, *Sean D. Reyes* of Utah, and *Mark R. Herring* of Virginia; for the American Dental Association et al. by *Jack R. Bierig*; for the California Optometric Association by *William A. Gould, Jr.*, and *Daniel L. Baxter*; for the Federation of State Boards of Physical Therapy et al. by *Lee K. Van Voorhis*; for the National Council of Examiners for Engineering and Surveying by *Jonathan S. Franklin*, *Robert A. Burgoyne*, and *Mark Emery*; for the National Governors Association et al. by *Seth P. Waxman*, *Thomas G. Sprankling*, *Alan Schoenfeld*, and *Lisa E. Soronen*; for the North Carolina State Bar et al. by *Everett J. Bowman*, *Mark W. Merritt*, and *Lawrence C. Moore III*.

Briefs of *amici curiae* urging affirmance were filed for the American Antitrust Institute by *Richard M. Brunell* and *Albert A. Foer*; for Antitrust Scholars by *Einer Elhauge, pro se*; for the Association of Dental Support Organizations by *Douglas Hallward-Driemeier* and *Mark S. Popofsky*; for the Pacific Legal Foundation et al. by *Timothy Sandefur* and *Ilya Shapiro*; for Public Citizen, Inc., by *Scott L. Nelson*; for Scholars of

JUSTICE KENNEDY delivered the opinion of the Court.

This case arises from an antitrust challenge to the actions of a state regulatory board. A majority of the board's members are engaged in the active practice of the profession it regulates. The question is whether the board's actions are protected from Sherman Act regulation under the doctrine of state-action antitrust immunity, as defined and applied in this Court's decisions beginning with *Parker* v. *Brown*, 317 U. S. 341 (1943).

I

A

In its Dental Practice Act (Act), North Carolina has declared the practice of dentistry to be a matter of public concern requiring regulation. N. C. Gen. Stat. Ann. § 90–22(a) (2013). Under the Act, the North Carolina State Board of Dental Examiners (Board) is "the agency of the State for the regulation of the practice of dentistry." § 90–22(b).

The Board's principal duty is to create, administer, and enforce a licensing system for dentists. See §§ 90–29 to 90–41. To perform that function it has broad authority over licensees. See § 90–41. The Board's authority with respect to unlicensed persons, however, is more restricted: Like "any resident citizen," the Board may file suit to "perpetually enjoin any person from . . . unlawfully practicing dentistry." § 90–40.1.

The Act provides that six of the Board's eight members must be licensed dentists engaged in the active practice of dentistry. § 90–22. They are elected by other licensed dentists in North Carolina, who cast their ballots in elections conducted by the Board. *Ibid.* The seventh member must

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be a licensed and practicing dental hygienist, and he or she is elected by other licensed hygienists. *Ibid.* The final member is referred to by the Act as a "consumer" and is appointed by the Governor. *Ibid.* All members serve 3-year terms, and no person may serve more than two consecutive terms. *Ibid.* The Act does not create any mechanism for the removal of an elected member of the Board by a public official. See *ibid.*

Board members swear an oath of office, § 138A–22(a), and the Board must comply with the State's Administrative Procedure Act, § 150B–1 *et seq.*, Public Records Act, § 132–1 *et seq.*, and open-meetings law, § 143–318.9 *et seq.* The Board may promulgate rules and regulations governing the practice of dentistry within the State, provided those mandates are not inconsistent with the Act and are approved by the North Carolina Rules Review Commission, whose members are appointed by the state legislature. See §§ 90–48, 143B–30.1, 150B–21.9(a).

B

In the 1990's, dentists in North Carolina started whitening teeth. Many of those who did so, including 8 of the Board's 10 members during the period at issue in this case, earned substantial fees for that service. By 2003, nondentists arrived on the scene. They charged lower prices for their services than the dentists did. Dentists soon began to complain to the Board about their new competitors. Few complaints warned of possible harm to consumers. Most expressed a principal concern with the low prices charged by nondentists.

Responding to these filings, the Board opened an investigation into nondentist teeth whitening. A dentist member was placed in charge of the inquiry. Neither the Board's hygienist member nor its consumer member participated in this undertaking. The Board's chief operations officer remarked that the Board was "going forth to do battle" with nondentists. App. to Pet. for Cert. 103a. The Board's con-

cern did not result in a formal rule or regulation reviewable by the independent Rules Review Commission, even though the Act does not, by its terms, specify that teeth whitening is "the practice of dentistry."

Starting in 2006, the Board issued at least 47 cease-and-desist letters on its official letterhead to nondentist teeth whitening service providers and product manufacturers. Many of those letters directed the recipient to cease "all activity constituting the practice of dentistry"; warned that the unlicensed practice of dentistry is a crime; and strongly implied (or expressly stated) that teeth whitening constitutes "the practice of dentistry." App. 13, 15. In early 2007, the Board persuaded the North Carolina Board of Cosmetic Art Examiners to warn cosmetologists against providing teeth whitening services. Later that year, the Board sent letters to mall operators, stating that kiosk teeth whiteners were violating the Act and advising that the malls consider expelling violators from their premises.

These actions had the intended result. Nondentists ceased offering teeth whitening services in North Carolina.

C

In 2010, the Federal Trade Commission (FTC) filed an administrative complaint charging the Board with violating § 5 of the Federal Trade Commission Act, 38 Stat. 719, as amended, 15 U. S. C. § 45. The FTC alleged that the Board's concerted action to exclude nondentists from the market for teeth whitening services in North Carolina constituted an anticompetitive and unfair method of competition. The Board moved to dismiss, alleging state-action immunity. An Administrative Law Judge (ALJ) denied the motion. On appeal, the FTC sustained the ALJ's ruling. It reasoned that, even assuming the Board had acted pursuant to a clearly articulated state policy to displace competition, the Board is a "public/private hybrid" that must be actively supervised by the State to claim immunity. App. to Pet. for Cert. 49a.

The FTC further concluded the Board could not make that showing.

Following other proceedings not relevant here, the ALJ conducted a hearing on the merits and determined the Board had unreasonably restrained trade in violation of antitrust law. On appeal, the FTC again sustained the ALJ. The FTC rejected the Board's public safety justification, noting, *inter alia*, "a wealth of evidence . . . suggesting that non-dentist provided teeth whitening is a safe cosmetic procedure." *Id.*, at 123a.

The FTC ordered the Board to stop sending the cease-and-desist letters or other communications that stated nondentists may not offer teeth whitening services and products. It further ordered the Board to issue notices to all earlier recipients of the Board's cease-and-desist orders advising them of the Board's proper sphere of authority and saying, among other options, that the notice recipients had a right to seek declaratory rulings in state court.

On petition for review, the Court of Appeals for the Fourth Circuit affirmed the FTC in all respects. 717 F. 3d 359, 370 (2013). This Court granted certiorari. 571 U. S. 1236 (2014).

II

Federal antitrust law is a central safeguard for the Nation's free market structures. In this regard it is "as important to the preservation of economic freedom and our free-enterprise system as the Bill of Rights is to the protection of our fundamental personal freedoms." *United States* v. *Topco Associates, Inc.*, 405 U. S. 596, 610 (1972). The antitrust laws declare a considered and decisive prohibition by the Federal Government of cartels, price fixing, and other combinations or practices that undermine the free market.

The Sherman Act, 26 Stat. 209, as amended, 15 U. S. C. § 1 *et seq.*, serves to promote robust competition, which in turn empowers the States and provides their citizens with opportunities to pursue their own and the public's welfare. See

FTC v. *Ticor Title Ins. Co.*, 504 U. S. 621, 632 (1992). The States, however, when acting in their respective realm, need not adhere in all contexts to a model of unfettered competition. While "the States regulate their economies in many ways not inconsistent with the antitrust laws," *id.*, at 635–636, in some spheres they impose restrictions on occupations, confer exclusive or shared rights to dominate a market, or otherwise limit competition to achieve public objectives. If every duly enacted state law or policy were required to conform to the mandates of the Sherman Act, thus promoting competition at the expense of other values a State may deem fundamental, federal antitrust law would impose an impermissible burden on the States' power to regulate. See *Exxon Corp.* v. *Governor of Maryland*, 437 U. S. 117, 133 (1978); see also Easterbrook, Antitrust and the Economics of Federalism, 26 J. Law & Econ. 23, 24 (1983).

For these reasons, the Court in *Parker* v. *Brown* interpreted the antitrust laws to confer immunity on anticompetitive conduct by the States when acting in their sovereign capacity. See 317 U. S., at 350–351. That ruling recognized Congress' purpose to respect the federal balance and to "embody in the Sherman Act the federalism principle that the States possess a significant measure of sovereignty under our Constitution." *Community Communications Co.* v. *Boulder*, 455 U. S. 40, 53 (1982). Since 1943, the Court has reaffirmed the importance of *Parker*'s central holding. See, *e. g.*, *Ticor*, *supra*, at 632–637; *Hoover* v. *Ronwin*, 466 U. S. 558, 568 (1984); *Lafayette* v. *Louisiana Power & Light Co.*, 435 U. S. 389, 394–400 (1978).

III

In this case the Board argues its members were invested by North Carolina with the power of the State and that, as a result, the Board's actions are cloaked with *Parker* immunity. This argument fails, however. A nonsovereign actor controlled by active market participants—such as the

Board—enjoys *Parker* immunity only if it satisfies two requirements: "first that 'the challenged restraint . . . be one clearly articulated and affirmatively expressed as state policy,' and second that 'the policy . . . be actively supervised by the State.'" *FTC* v. *Phoebe Putney Health System, Inc.*, 568 U. S. 216, 225 (2013) (quoting *California Retail Liquor Dealers Assn.* v. *Midcal Aluminum, Inc.*, 445 U. S. 97, 105 (1980)). The parties have assumed that the clear articulation requirement is satisfied, and we do the same. While North Carolina prohibits the unauthorized practice of dentistry, however, its Act is silent on whether that broad prohibition covers teeth whitening. Here, the Board did not receive active supervision by the State when it interpreted the Act as addressing teeth whitening and when it enforced that policy by issuing cease-and-desist letters to nondentist teeth whiteners.

A

Although state-action immunity exists to avoid conflicts between state sovereignty and the Nation's commitment to a policy of robust competition, *Parker* immunity is not unbounded. "[G]iven the fundamental national values of free enterprise and economic competition that are embodied in the federal antitrust laws, 'state-action immunity is disfavored, much as are repeals by implication.'" *Phoebe Putney*, *supra*, at 225 (quoting *Ticor*, *supra*, at 636).

An entity may not invoke *Parker* immunity unless the actions in question are an exercise of the State's sovereign power. See *Columbia* v. *Omni Outdoor Advertising, Inc.*, 499 U. S. 365, 374 (1991). State legislation and "decision[s] of a state supreme court, acting legislatively rather than judicially," will satisfy this standard, and "*ipso facto* are exempt from the operation of the antitrust laws" because they are an undoubted exercise of state sovereign authority. *Hoover*, *supra*, at 567–568.

But while the Sherman Act confers immunity on the States' own anticompetitive policies out of respect for feder-

alism, it does not always confer immunity where, as here, a State delegates control over a market to a nonsovereign actor. See *Parker*, *supra*, at 351 ("[A] state does not give immunity to those who violate the Sherman Act by authorizing them to violate it, or by declaring that their action is lawful"). For purposes of *Parker*, a nonsovereign actor is one whose conduct does not automatically qualify as that of the sovereign State itself. See *Hoover*, *supra*, at 567–568. State agencies are not simply by their governmental character sovereign actors for purposes of state-action immunity. See *Goldfarb* v. *Virginia State Bar*, 421 U. S. 773, 791 (1975) ("The fact that the State Bar is a state agency for some limited purposes does not create an antitrust shield that allows it to foster anticompetitive practices for the benefit of its members"). Immunity for state agencies, therefore, requires more than a mere facade of state involvement, for it is necessary in light of *Parker*'s rationale to ensure the States accept political accountability for anticompetitive conduct they permit and control. See *Ticor*, *supra*, at 636.

Limits on state-action immunity are most essential when the State seeks to delegate its regulatory power to active market participants, for established ethical standards may blend with private anticompetitive motives in a way difficult even for market participants to discern. Dual allegiances are not always apparent to an actor. In consequence, active market participants cannot be allowed to regulate their own markets free from antitrust accountability. See *Midcal*, *supra*, at 106 ("The national policy in favor of competition cannot be thwarted by casting . . . a gauzy cloak of state involvement over what is essentially a private price-fixing arrangement"). Indeed, prohibitions against anticompetitive self-regulation by active market participants are an axiom of federal antitrust policy. See, *e. g.*, *Allied Tube & Conduit Corp.* v. *Indian Head, Inc.*, 486 U. S. 492, 501 (1988); *Hoover*, *supra*, at 584 (Stevens, J., dissenting) ("The risk that private regulation of market entry, prices, or output may be

designed to confer monopoly profits on members of an industry at the expense of the consuming public has been the central concern of . . . our antitrust jurisprudence"); see also Elhauge, The Scope of Antitrust Process, 104 Harv. L. Rev. 667, 672 (1991). So it follows that, under *Parker* and the Supremacy Clause, the States' greater power to attain an end does not include the lesser power to negate the congressional judgment embodied in the Sherman Act through unsupervised delegations to active market participants. See Garland, Antitrust and State Action: Economic Efficiency and the Political Process, 96 Yale L. J. 486, 500 (1986).

Parker immunity requires that the anticompetitive conduct of nonsovereign actors, especially those authorized by the State to regulate their own profession, result from procedures that suffice to make it the State's own. See *Goldfarb*, *supra*, at 790; see also 1A P. Areeda & H. Hovenkamp, Antitrust Law ¶226, p. 180 (4th ed. 2013) (Areeda & Hovenkamp). The question is not whether the challenged conduct is efficient, well functioning, or wise. See *Ticor*, 504 U. S., at 634–635. Rather, it is "whether anticompetitive conduct engaged in by [nonsovereign actors] should be deemed state action and thus shielded from the antitrust laws." *Patrick* v. *Burget*, 486 U. S. 94, 100 (1988).

To answer this question, the Court applies the two-part test set forth in *California Retail Liquor Dealers Assn.* v. *Midcal Aluminum, Inc.*, 445 U. S. 97, a case arising from California's delegation of price-fixing authority to wine merchants. Under *Midcal*, "[a] state law or regulatory scheme cannot be the basis for antitrust immunity unless, first, the State has articulated a clear . . . policy to allow the anticompetitive conduct, and second, the State provides active supervision of [the] anticompetitive conduct." *Ticor*, *supra*, at 631 (citing *Midcal*, *supra*, at 105).

Midcal's clear articulation requirement is satisfied "where the displacement of competition [is] the inherent, logical, or ordinary result of the exercise of authority delegated by the

state legislature. In that scenario, the State must have foreseen and implicitly endorsed the anticompetitive effects as consistent with its policy goals." *Phoebe Putney*, 568 U. S., at 229. The active supervision requirement demands, *inter alia*, "that state officials have and exercise power to review particular anticompetitive acts of private parties and disapprove those that fail to accord with state policy." *Patrick*, *supra*, at 101.

The two requirements set forth in *Midcal* provide a proper analytical framework to resolve the ultimate question whether an anticompetitive policy is indeed the policy of a State. The first requirement—clear articulation—rarely will achieve that goal by itself, for a policy may satisfy this test yet still be defined at so high a level of generality as to leave open critical questions about how and to what extent the market should be regulated. See *Ticor*, *supra*, at 636–637. Entities purporting to act under state authority might diverge from the State's considered definition of the public good. The resulting asymmetry between a state policy and its implementation can invite private self-dealing. The second *Midcal* requirement—active supervision—seeks to avoid this harm by requiring the State to review and approve interstitial policies made by the entity claiming immunity.

Midcal's supervision rule "stems from the recognition that '[w]here a private party is engaging in anticompetitive activity, there is a real danger that he is acting to further his own interests, rather than the governmental interests of the State.'" *Patrick*, *supra*, at 100. Concern about the private incentives of active market participants animates *Midcal*'s supervision mandate, which demands "realistic assurance that a private party's anticompetitive conduct promotes state policy, rather than merely the party's individual interests." *Patrick*, *supra*, at 101.

B

In determining whether anticompetitive policies and conduct are indeed the action of a State in its sovereign capacity,

there are instances in which an actor can be excused from *Midcal*'s active supervision requirement. In *Hallie* v. *Eau Claire*, 471 U. S. 34, 45 (1985), the Court held municipalities are subject exclusively to *Midcal*'s "'clear articulation'" requirement. That rule, the Court observed, is consistent with the objective of ensuring that the policy at issue be one enacted by the State itself. *Hallie* explained that "[w]here the actor is a municipality, there is little or no danger that it is involved in a private price-fixing arrangement. The only real danger is that it will seek to further purely parochial public interests at the expense of more overriding state goals." 471 U. S., at 47 (emphasis deleted). *Hallie* further observed that municipalities are electorally accountable and lack the kind of private incentives characteristic of active participants in the market. See *id.*, at 45, n. 9. Critically, the municipality in *Hallie* exercised a wide range of governmental powers across different economic spheres, substantially reducing the risk that it would pursue private interests while regulating any single field. See *ibid.* That *Hallie* excused municipalities from *Midcal*'s supervision rule for these reasons all but confirms the rule's applicability to actors controlled by active market participants, who ordinarily have none of the features justifying the narrow exception *Hallie* identified. See 471 U. S., at 45.

Following *Goldfarb*, *Midcal*, and *Hallie*, which clarified the conditions under which *Parker* immunity attaches to the conduct of a nonsovereign actor, the Court in *Columbia* v. *Omni Outdoor Advertising, Inc.*, 499 U. S. 365, addressed whether an otherwise immune entity could lose immunity for conspiring with private parties. In *Omni*, an aspiring billboard merchant argued that the city of Columbia, South Carolina, had violated the Sherman Act—and forfeited its *Parker* immunity—by anticompetitively conspiring with an established local company in passing an ordinance restricting new billboard construction. 499 U. S., at 367–368. The

Court disagreed, holding there is no "conspiracy exception" to *Parker*. *Omni*, *supra*, at 374.

Omni, like the cases before it, recognized the importance of drawing a line "relevant to the purposes of the Sherman Act and of *Parker*: prohibiting the restriction of competition for private gain but permitting the restriction of competition in the public interest." 499 U. S., at 378. In the context of a municipal actor which, as in *Hallie*, exercised substantial governmental powers, *Omni* rejected a conspiracy exception for "corruption" as vague and unworkable, since "virtually all regulation benefits some segments of the society and harms others" and may in that sense be seen as "'corrupt.'" 499 U. S., at 377. *Omni* also rejected subjective tests for corruption that would force a "deconstruction of the governmental process and probing of the official 'intent' that we have consistently sought to avoid." *Ibid.* Thus, whereas the cases preceding it addressed the preconditions of *Parker* immunity and engaged in an objective, *ex ante* inquiry into nonsovereign actors' structure and incentives, *Omni* made clear that recipients of immunity will not lose it on the basis of ad hoc and *ex post* questioning of their motives for making particular decisions.

Omni's holding makes it all the more necessary to ensure the conditions for granting immunity are met in the first place. The Court's two state-action immunity cases decided after *Omni* reinforce this point. In *Ticor*, the Court affirmed that *Midcal*'s limits on delegation must ensure that "[a]ctual state involvement, not deference to private price-fixing arrangements under the general auspices of state law, is the precondition for immunity from federal law." 504 U. S., at 633. And in *Phoebe Putney*, the Court observed that *Midcal*'s active supervision requirement, in particular, is an essential condition of state-action immunity when a nonsovereign actor has "an incentive to pursue [its] own self-interest under the guise of implementing state policies."

568 U. S., at 226 (quoting *Hallie*, *supra*, at 46–47). The lesson is clear: *Midcal*'s active supervision test is an essential prerequisite of *Parker* immunity for any nonsovereign entity—public or private—controlled by active market participants.

C

The Board argues entities designated by the States as agencies are exempt from *Midcal*'s second requirement. That premise, however, cannot be reconciled with the Court's repeated conclusion that the need for supervision turns not on the formal designation given by States to regulators but on the risk that active market participants will pursue private interests in restraining trade.

State agencies controlled by active market participants, who possess singularly strong private interests, pose the very risk of self-dealing *Midcal*'s supervision requirement was created to address. See Areeda & Hovenkamp ¶227, at 226. This conclusion does not question the good faith of state officers but rather is an assessment of the structural risk of market participants' confusing their own interests with the State's policy goals. See *Patrick*, 486 U. S., at 100–101.

The Court applied this reasoning to a state agency in *Goldfarb*. There the Court denied immunity to a state agency (the Virginia State Bar) controlled by market participants (lawyers) because the agency had "joined in what is essentially a private anticompetitive activity" for "the benefit of its members." 421 U. S., at 791, 792. This emphasis on the Bar's private interests explains why *Goldfarb*, though it predates *Midcal*, considered the lack of supervision by the Virginia Supreme Court to be a principal reason for denying immunity. See 421 U. S., at 791; see also *Hoover*, 466 U. S., at 569 (emphasizing lack of active supervision in *Goldfarb*); *Bates* v. *State Bar of Ariz.*, 433 U. S. 350, 361–362 (1977) (granting the Arizona Bar state-action immunity partly be-

cause its "rules are subject to pointed re-examination by the policymaker").

While *Hallie* stated "it is likely that active state supervision would also not be required" for agencies, 471 U. S., at 46, n. 10, the entity there, as was later the case in *Omni*, was an electorally accountable municipality with general regulatory powers and no private price-fixing agenda. In that and other respects the municipality was more like prototypical state agencies, not specialized boards dominated by active market participants. In important regards, agencies controlled by market participants are more similar to private trade associations vested by States with regulatory authority than to the agencies *Hallie* considered. And as the Court observed three years after *Hallie*, "[t]here is no doubt that the members of such associations often have economic incentives to restrain competition and that the product standards set by such associations have a serious potential for anticompetitive harm." *Allied Tube*, 486 U. S., at 500. For that reason, those associations must satisfy *Midcal*'s active supervision standard. See *Midcal*, 445 U. S., at 105–106.

The similarities between agencies controlled by active market participants and private trade associations are not eliminated simply because the former are given a formal designation by the State, vested with a measure of government power, and required to follow some procedural rules. See *Hallie*, *supra*, at 39 (rejecting "purely formalistic" analysis). *Parker* immunity does not derive from nomenclature alone. When a State empowers a group of active market participants to decide who can participate in its market, and on what terms, the need for supervision is manifest. See Areeda & Hovenkamp ¶227, at 226. The Court holds today that a state board on which a controlling number of decisionmakers are active market participants in the occupation the board regulates must satisfy *Midcal*'s active

supervision requirement in order to invoke state-action antitrust immunity.

D

The State argues that allowing this FTC order to stand will discourage dedicated citizens from serving on state agencies that regulate their own occupation. If this were so—and, for reasons to be noted, it need not be so—there would be some cause for concern. The States have a sovereign interest in structuring their governments, see *Gregory* v. *Ashcroft*, 501 U. S. 452, 460 (1991), and may conclude there are substantial benefits to staffing their agencies with experts in complex and technical subjects, see *Southern Motor Carriers Rate Conference, Inc.* v. *United States*, 471 U. S. 48, 64 (1985). There is, moreover, a long tradition of citizens esteemed by their professional colleagues devoting time, energy, and talent to enhancing the dignity of their calling.

Adherence to the idea that those who pursue a calling must embrace ethical standards that derive from a duty separate from the dictates of the State reaches back at least to the Hippocratic Oath. See generally S. Miles, The Hippocratic Oath and the Ethics of Medicine (2004). In the United States, there is a strong tradition of professional self-regulation, particularly with respect to the development of ethical rules. See generally R. Rotunda & J. Dzienkowski, Legal Ethics: The Lawyer's Deskbook on Professional Responsibility (2014); R. Baker, Before Bioethics: A History of American Medical Ethics From the Colonial Period to the Bioethics Revolution (2013). Dentists are no exception. The American Dental Association, for example, in an exercise of "the privilege and obligation of self-government," has "call[ed] upon dentists to follow high ethical standards," including "honesty, compassion, kindness, integrity, fairness and charity." American Dental Association, Principles of Ethics and Code of Professional Conduct 3–4 (2012).

State laws and institutions are sustained by this tradition when they draw upon the expertise and commitment of professionals.

Today's holding is not inconsistent with that idea. The Board argues, however, that the potential for money damages will discourage members of regulated occupations from participating in state government. Cf. *Filarsky* v. *Delia*, 566 U. S. 377, 390 (2012) (warning in the context of civil rights suits that "the most talented candidates will decline public engagements if they do not receive the same immunity enjoyed by their public employee counterparts"). But this case, which does not present a claim for money damages, does not offer occasion to address the question whether agency officials, including board members, may, under some circumstances, enjoy immunity from damages liability. See *Goldfarb*, 421 U. S., at 792, n. 22; see also Brief for Respondent 56. And, of course, the States may provide for the defense and indemnification of agency members in the event of litigation.

States, furthermore, can ensure *Parker* immunity is available to agencies by adopting clear policies to displace competition; and, if agencies controlled by active market participants interpret or enforce those policies, the States may provide active supervision. Precedent confirms this principle. The Court has rejected the argument that it would be unwise to apply the antitrust laws to professional regulation absent compliance with the prerequisites for invoking *Parker* immunity:

> "[Respondents] contend that effective peer review is essential to the provision of quality medical care and that any threat of antitrust liability will prevent physicians from participating openly and actively in peer-review proceedings. This argument, however, essentially challenges the wisdom of applying the antitrust laws to the sphere of medical care, and as such is properly directed to the legislative branch. To the extent that Congress

> has declined to exempt medical peer review from the reach of the antitrust laws, peer review is immune from antitrust scrutiny only if the State effectively has made this conduct its own." *Patrick*, 486 U. S., at 105–106 (footnote omitted).

The reasoning of *Patrick* v. *Burget* applies to this case with full force, particularly in light of the risks licensing boards dominated by market participants may pose to the free market. See generally Edlin & Haw, Cartels by Another Name: Should Licensed Occupations Face Antitrust Scrutiny? 162 U. Pa. L. Rev. 1093 (2014).

E

The Board does not contend in this Court that its anticompetitive conduct was actively supervised by the State or that it should receive *Parker* immunity on that basis.

By statute, North Carolina delegates control over the practice of dentistry to the Board. The Act, however, says nothing about teeth whitening, a practice that did not exist when it was passed. After receiving complaints from other dentists about the nondentists' cheaper services, the Board's dentist members—some of whom offered whitening services—acted to expel the dentists' competitors from the market. In so doing the Board relied upon cease-and-desist letters threatening criminal liability, rather than any of the powers at its disposal that would invoke oversight by a politically accountable official. With no active supervision by the State, North Carolina officials may well have been unaware that the Board had decided teeth whitening constitutes "the practice of dentistry" and sought to prohibit those who competed against dentists from participating in the teeth whitening market. Whether or not the Board exceeded its powers under North Carolina law, cf. *Omni*, 499 U. S., at 371–372, there is no evidence here of any decision by the State to initiate or concur with the Board's actions against the nondentists.

IV

The Board does not claim that the State exercised active, or indeed any, supervision over its conduct regarding nondentist teeth whiteners; and, as a result, no specific supervisory systems can be reviewed here. It suffices to note that the inquiry regarding active supervision is flexible and context dependent. Active supervision need not entail day-to-day involvement in an agency's operations or micromanagement of its every decision. Rather, the question is whether the State's review mechanisms provide "realistic assurance" that a nonsovereign actor's anticompetitive conduct "promotes state policy, rather than merely the party's individual interests." *Patrick*, *supra,* at 100–101; see also *Ticor*, 504 U. S., at 639–640.

The Court has identified only a few constant requirements of active supervision: The supervisor must review the substance of the anticompetitive decision, not merely the procedures followed to produce it, see *Patrick*, 486 U. S., at 102–103; the supervisor must have the power to veto or modify particular decisions to ensure they accord with state policy, see *ibid.*; and the "mere potential for state supervision is not an adequate substitute for a decision by the State," *Ticor*, *supra*, at 638. Further, the state supervisor may not itself be an active market participant. In general, however, the adequacy of supervision otherwise will depend on all the circumstances of a case.

* * *

The Sherman Act protects competition while also respecting federalism. It does not authorize the States to abandon markets to the unsupervised control of active market participants, whether trade associations or hybrid agencies. If a State wants to rely on active market participants as regulators, it must provide active supervision if state-action immunity under *Parker* is to be invoked.

The judgment of the Court of Appeals for the Fourth Circuit is affirmed.

It is so ordered.

JUSTICE ALITO, with whom JUSTICE SCALIA and JUSTICE THOMAS join, dissenting.

The Court's decision in this case is based on a serious misunderstanding of the doctrine of state-action antitrust immunity that this Court recognized more than 60 years ago in *Parker* v. *Brown*, 317 U. S. 341 (1943). In *Parker*, the Court held that the Sherman Act does not prevent the States from continuing their age-old practice of enacting measures, such as licensing requirements, that are designed to protect the public health and welfare. *Id.*, at 352. The case now before us involves precisely this type of state regulation—North Carolina's laws governing the practice of dentistry, which are administered by the North Carolina State Board of Dental Examiners (Board).

Today, however, the Court takes the unprecedented step of holding that *Parker* does not apply to the North Carolina Board because the Board is not structured in a way that merits a good-government seal of approval; that is, it is made up of practicing dentists who have a financial incentive to use the licensing laws to further the financial interests of the State's dentists. There is nothing new about the structure of the North Carolina Board. When the States first created medical and dental boards, well before the Sherman Act was enacted, they began to staff them in this way.[1] Nor is there anything new about the suspicion that the North Carolina Board—in attempting to prevent persons other than dentists from performing teeth whitening procedures—was serving the interests of dentists and not the public. Professional and occupational licensing requirements have often been

[1] S. White, History of Oral and Dental Science in America 197–214 (1876) (detailing earliest American regulations of the practice of dentistry).

used in such a way.[2] But that is not what *Parker* immunity is about. Indeed, the very state program involved in that case was unquestionably designed to benefit the regulated entities, California raisin growers.

The question before us is not whether such programs serve the public interest. The question, instead, is whether this case is controlled by *Parker*, and the answer to that question is clear. Under *Parker*, the Sherman Act (and the Federal Trade Commission Act, see *FTC* v. *Ticor Title Ins. Co.*, 504 U. S. 621, 635 (1992)) do not apply to state agencies; the Board is a state agency; and that is the end of the matter. By straying from this simple path, the Court has not only distorted *Parker*; it has headed into a morass. Determining whether a state agency is structured in a way that militates against regulatory capture is no easy task, and there is reason to fear that today's decision will spawn confusion. The Court has veered off course, and therefore I cannot go along.

I

In order to understand the nature of *Parker* state-action immunity, it is helpful to recall the constitutional landscape in 1890 when the Sherman Act was enacted. At that time, this Court and Congress had an understanding of the scope of federal and state power that is very different from our understanding today. The States were understood to possess the exclusive authority to regulate "their purely internal affairs." *Leisy* v. *Hardin*, 135 U. S. 100, 122 (1890). In exercising their police power in this area, the States had long

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[2] See, *e. g.*, R. Shrylock, Medical Licensing in America 29 (1967) (Shrylock) (detailing the deterioration of licensing regimes in the mid-19th century, in part out of concerns about restraints on trade); Gellhorn, The Abuse of Occupational Licensing, 44 U. Chi. L. Rev. 6 (1976); Shepard, Licensing Restrictions and the Cost of Dental Care, 21 J. Law & Econ. 187 (1978).

enacted measures, such as price controls and licensing requirements, that had the effect of restraining trade.[3]

The Sherman Act was enacted pursuant to Congress' power to regulate interstate commerce, and in passing the Act, Congress wanted to exercise that power "to the utmost extent." *United States* v. *South-Eastern Underwriters Assn.*, 322 U. S. 533, 558 (1944). But in 1890, the understanding of the commerce power was far more limited than it is today. See, *e. g., Kidd* v. *Pearson*, 128 U. S. 1, 17–18 (1888). As a result, the Act did not pose a threat to traditional state regulatory activity.

By 1943, when *Parker* was decided, however, the situation had changed dramatically. This Court had held that the commerce power permitted Congress to regulate even local activity if it "exerts a substantial economic effect on interstate commerce." *Wickard* v. *Filburn*, 317 U. S. 111, 125 (1942). This meant that Congress could regulate many of the matters that had once been thought to fall exclusively within the jurisdiction of the States. The new interpretation of the commerce power brought about an expansion of the reach of the Sherman Act. See *Hospital Building Co.* v. *Trustees of Rex Hospital*, 425 U. S. 738, 743, n. 2 (1976) ("[D]ecisions by this Court have permitted the reach of the Sherman Act to expand along with expanding notions of congressional power"). And the expanded reach of the Sherman Act raised an important question. The Sherman Act does not expressly exempt States from its scope. Does that mean that the Act applies to the States and that it potentially outlaws many traditional state regulatory measures? The Court confronted that question in *Parker*.

In *Parker*, a raisin producer challenged the California Agricultural Prorate Act, an agricultural price support program. The California Act authorized the creation of an Agricultural Prorate Advisory Commission (Commission) to

[3] See Handler, The Current Attack on the *Parker* v. *Brown* State Action Doctrine, 76 Colum. L. Rev. 1, 4–6 (1976) (collecting cases).

establish marketing plans for certain agricultural commodities within the State. 317 U. S., at 346–347. Raisins were among the regulated commodities, and so the Commission established a marketing program that governed many aspects of raisin sales, including the quality and quantity of raisins sold, the timing of sales, and the price at which raisins were sold. *Id.*, at 347–348. The *Parker* Court assumed that this program would have violated "the Sherman Act if it were organized and made effective solely by virtue of a contract, combination or conspiracy of private persons," and the Court also assumed that Congress could have prohibited a State from creating a program like California's if it had chosen to do so. *Id.*, at 350. Nevertheless, the Court concluded that the California program did not violate the Sherman Act because the Act did not circumscribe state regulatory power. *Id.*, at 351.

The Court's holding in *Parker* was not based on either the language of the Sherman Act or anything in the legislative history affirmatively showing that the Act was not meant to apply to the States. Instead, the Court reasoned that "[i]n a dual system of government in which, under the Constitution, the states are sovereign, save only as Congress may constitutionally subtract from their authority, an unexpressed purpose to nullify a state's control over its officers and agents is not lightly to be attributed to Congress." *Ibid.* For the Congress that enacted the Sherman Act in 1890, it would have been a truly radical and almost certainly futile step to attempt to prevent the States from exercising their traditional regulatory authority, and the *Parker* Court refused to assume that the Act was meant to have such an effect.

When the basis for the *Parker* state-action doctrine is understood, the Court's error in this case is plain. In 1890, the regulation of the practice of medicine and dentistry was regarded as falling squarely within the States' sovereign police power. By that time, many States had established med-

ical and dental boards, often staffed by doctors or dentists,[4] and had given those boards the authority to confer and revoke licenses.[5] This was quintessential police power legislation, and although state laws were often challenged during that era under the doctrine of substantive due process, the licensing of medical professionals easily survived such assaults. Just one year before the enactment of the Sherman Act, in *Dent* v. *West Virginia*, 129 U. S. 114, 128 (1889), this Court rejected such a challenge to a state law requiring all physicians to obtain a certificate from the state board of health attesting to their qualifications. And in *Hawker* v. *New York*, 170 U. S. 189, 192 (1898), the Court reiterated that a law specifying the qualifications to practice medicine was clearly a proper exercise of the police power. Thus, the North Carolina statutes establishing and specifying the powers of the State Board of Dental Examiners represent precisely the kind of state regulation that the *Parker* exemption was meant to immunize.

II

As noted above, the only question in this case is whether the Board is really a state agency, and the answer to that question is clearly yes.

- The North Carolina Legislature determined that the practice of dentistry "affect[s] the public health, safety and welfare" of North Carolina's citizens and that therefore the profession should be "subject to regulation and control in the public interest" in order to ensure "that

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[4] Shrylock 54–55; D. Johnson & H. Chaudry, Medical Licensing and Discipline in America 23–24 (2012).

[5] In *Hawker* v. *New York*, 170 U. S. 189 (1898), the Court cited state laws authorizing such boards to refuse or revoke medical licenses. *Id.*, at 191–193, n. 1. See also *Douglas* v. *Noble*, 261 U. S. 165, 166 (1923) ("In 1893 the legislature of Washington provided that only licensed persons should practice dentistry" and "vested the authority to license in a board of examiners, consisting of five practicing dentists").

only qualified persons be permitted to practice dentistry in the State." N. C. Gen. Stat. Ann. § 90–22(a) (2013).

- To further that end, the legislature created the Board "as the agency of the State for the regulation of the practice of dentistry in th[e] State." § 90–22(b).
- The legislature specified the membership of the Board. § 90–22(c). It defined the "practice of dentistry," § 90–29(b), and it set out standards for licensing practitioners, § 90–30. The legislature also set out standards under which the Board can initiate disciplinary proceedings against licensees who engage in certain improper acts. § 90–41(a).
- The legislature empowered the Board to "maintain an action in the name of the State of North Carolina to perpetually enjoin any person from . . . unlawfully practicing dentistry." § 90–40.1(a). It authorized the Board to conduct investigations and to hire legal counsel, and the legislature made any "notice or statement of charges against any licensee" a public record under state law. §§ 90–41(d)–(g).
- The legislature empowered the Board "to enact rules and regulations governing the practice of dentistry within the State," consistent with relevant statutes. § 90–48. It has required that any such rules be included in the Board's annual report, which the Board must file with the North Carolina secretary of state, the state attorney general, and the legislature's Joint Regulatory Reform Committee. § 93B–2. And if the Board fails to file the required report, state law demands that it be automatically suspended until it does so. *Ibid.*

As this regulatory regime demonstrates, North Carolina's Board is unmistakably a state agency created by the state legislature to serve a prescribed regulatory purpose and to do so using the State's power in cooperation with other arms of state government.

The Board is not a private or "nonsovereign" entity that the State of North Carolina has attempted to immunize from federal antitrust scrutiny. *Parker* made it clear that a State may not "'give immunity to those who violate the Sherman Act by authorizing them to violate it, or by declaring that their action is lawful.'" *Ante*, at 505 (quoting *Parker*, 317 U. S., at 351). When the *Parker* Court disapproved of any such attempt, it cited *Northern Securities Co.* v. *United States*, 193 U. S. 197 (1904), to show what it had in mind. In that case, the Court held that a State's act of chartering a corporation did not shield the corporation's monopolizing activities from federal antitrust law. *Id.*, at 344–345. Nothing similar is involved here. North Carolina did not authorize a private entity to enter into an anticompetitive arrangement; rather, North Carolina *created a state agency* and gave that agency the power to regulate a particular subject affecting public health and safety.

Nothing in *Parker* supports the type of inquiry that the Court now prescribes. The Court crafts a test under which state agencies that are "controlled by active market participants," *ante*, at 510, must demonstrate active state supervision in order to be immune from federal antitrust law. The Court thus treats these state agencies like private entities. But in *Parker*, the Court did not examine the structure of the California program to determine if it had been captured by private interests. If the Court had done so, the case would certainly have come out differently, because California conditioned its regulatory measures on the participation and approval of market actors in the relevant industry.

Establishing a prorate marketing plan under California's law first required the petition of at least 10 producers of the particular commodity. *Parker*, 317 U. S., at 346. If the Commission then agreed that a marketing plan was warranted, the Commission would "select a program committee *from among nominees chosen by the qualified producers*."

Ibid. (emphasis added). That committee would then formulate the proration marketing program, which the Commission could modify or approve. But even after Commission approval, the program became law (and then, automatically) only if it gained the approval of 65 percent of the relevant producers, representing at least 51 percent of the acreage of the regulated crop. *Id.*, at 347. This scheme gave decisive power to market participants. But despite these aspects of the California program, *Parker* held that California was acting as a "sovereign" when it "adopt[ed] and enforc[ed] the prorate program." *Id.*, at 352. This reasoning is irreconcilable with the Court's today.

III

The Court goes astray because it forgets the origin of the *Parker* doctrine and is misdirected by subsequent cases that extended that doctrine (in certain circumstances) to private entities. The Court requires the North Carolina Board to satisfy the two-part test set out in *California Retail Liquor Dealers Assn.* v. *Midcal Aluminum, Inc.*, 445 U. S. 97 (1980), but the party claiming *Parker* immunity in that case was not a state agency but a private trade association. Such an entity is entitled to *Parker* immunity, *Midcal* held, only if the anticompetitive conduct at issue was both "'clearly articulated'" and "'actively supervised' by the State itself." 445 U. S., at 105. Those requirements are needed where a State authorizes private parties to engage in anticompetitive conduct. They serve to identify those situations in which conduct *by private parties* can be regarded as the conduct of a State. But when the conduct in question is the conduct of a state agency, no such inquiry is required.

This case falls into the latter category, and therefore *Midcal* is inapposite. The North Carolina Board is not a private trade association. It is a state agency, created and empowered by the State to regulate an industry affecting public health. It would not exist if the State had not created it.

And for purposes of *Parker*, its membership is irrelevant; what matters is that it is part of the government of the sovereign State of North Carolina.

Our decision in *Hallie* v. *Eau Claire*, 471 U. S. 34 (1985), which involved Sherman Act claims against a municipality, not a state agency, is similarly inapplicable. In *Hallie*, the plaintiff argued that the two-pronged *Midcal* test should be applied, but the Court disagreed. The Court acknowledged that municipalities "are not themselves sovereign." 471 U. S., at 38. But recognizing that a municipality is "an arm of the State," *id.*, at 45, the Court held that a municipality should be required to satisfy only the first prong of the *Midcal* test (requiring a clearly articulated state policy), 471 U. S., at 46. That municipalities are not sovereign was critical to our analysis in *Hallie*, and thus that decision has no application in a case, like this one, involving a state agency.

Here, however, the Court not only disregards the North Carolina Board's status as a full-fledged state agency; it treats the Board less favorably than a municipality. This is puzzling. States are sovereign, *Northern Ins. Co. of N. Y.* v. *Chatham County*, 547 U. S. 189, 193 (2006), and California's sovereignty provided the foundation for the decision in *Parker*, *supra*, at 352. Municipalities are not sovereign. *Jinks* v. *Richland County*, 538 U. S. 456, 466 (2003). And for this reason, federal law often treats municipalities differently from States. Compare *Will* v. *Michigan Dept. of State Police*, 491 U. S. 58, 71 (1989) ("[N]either a State nor its officials acting in their official capacities are 'persons' under [42 U. S. C.] § 1983"), with *Monell* v. *New York City Dept. of Social Servs.*, 436 U. S. 658, 694 (1978) (municipalities liable under § 1983 where "execution of a government's policy or custom . . . inflicts the injury").

The Court recognizes that municipalities, although not sovereign, nevertheless benefit from a more lenient standard for state-action immunity than private entities. Yet under the Court's approach, the Board, a full-fledged state agency,

is treated like a private actor and must demonstrate that the State actively supervises its actions.

The Court's analysis seems to be predicated on an assessment of the varying degrees to which a municipality and a state agency like the North Carolina Board are likely to be captured by private interests. But until today, *Parker* immunity was never conditioned on the proper use of state regulatory authority. On the contrary, in *Columbia* v. *Omni Outdoor Advertising, Inc.*, 499 U. S. 365 (1991), we refused to recognize an exception to *Parker* for cases in which it was shown that the defendants had engaged in a conspiracy or corruption or had acted in a way that was not in the public interest. 499 U. S., at 374. The Sherman Act, we said, is not an anticorruption or good-government statute. *Id.*, at 398. We were unwilling in *Omni* to rewrite *Parker* in order to reach the allegedly abusive behavior of city officials. 499 U. S., at 374–379. But that is essentially what the Court has done here.

IV

Not only is the Court's decision inconsistent with the underlying theory of *Parker*; it will create practical problems and is likely to have far-reaching effects on the States' regulation of professions. As previously noted, state medical and dental boards have been staffed by practitioners since they were first created, and there are obvious advantages to this approach. It is reasonable for States to decide that the individuals best able to regulate technical professions are practitioners with expertise in those very professions. Staffing the State Board of Dental Examiners with certified public accountants would certainly lessen the risk of actions that place the well-being of dentists over those of the public, but this would also compromise the State's interest in sensibly regulating a technical profession in which lay people have little expertise.

As a result of today's decision, States may find it necessary to change the composition of medical, dental, and other

boards, but it is not clear what sort of changes are needed to satisfy the test that the Court now adopts. The Court faults the structure of the North Carolina Board because "active market participants" constitute "a controlling number of [the] decisionmakers," *ante*, at 511, but this test raises many questions.

What is a "controlling number"? Is it a majority? And if so, why does the Court eschew that term? Or does the Court mean to leave open the possibility that something less than a majority might suffice in particular circumstances? Suppose that active market participants constitute a voting bloc that is generally able to get its way? How about an obstructionist minority or an agency chair empowered to set the agenda or veto regulations?

Who is an "active market participant"? If Board members withdraw from practice during a short term of service but typically return to practice when their terms end, does that mean that they are not active market participants during their period of service?

What is the scope of the market in which a member may not participate while serving on the board? Must the market be relevant to the particular regulation being challenged or merely to the jurisdiction of the entire agency? Would the result in the present case be different if a majority of the Board members, though practicing dentists, did not provide teeth whitening services? What if they were orthodontists, periodontists, and the like? And how much participation makes a person "active" in the market?

The answers to these questions are not obvious, but the States must predict the answers in order to make informed choices about how to constitute their agencies.

I suppose that all this will be worked out by the lower courts and the Federal Trade Commission (FTC), but the Court's approach raises a more fundamental question, and that is why the Court's inquiry should stop with an examination of the structure of a state licensing board. When the

Court asks whether market participants control the North Carolina Board, the Court in essence is asking whether this regulatory body has been captured by the entities that it is supposed to regulate. Regulatory capture can occur in many ways.[6] So why ask only whether the members of a board are active market participants? The answer may be that determining when regulatory capture has occurred is no simple task. That answer provides a reason for relieving courts from the obligation to make such determinations at all. It does not explain why it is appropriate for the Court to adopt the rather crude test for capture that constitutes the holding of today's decision.

V

The Court has created a new standard for distinguishing between private and state actors for purposes of federal antitrust immunity. This new standard is not true to the *Parker* doctrine; it diminishes our traditional respect for federalism and state sovereignty; and it will be difficult to apply. I therefore respectfully dissent.

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[6] See, *e. g.*, R. Noll, Reforming Regulation 40–43, 46 (1971); J. Wilson, The Politics of Regulation 357–394 (1980). Indeed, it has even been charged that the FTC, which brought this case, has been captured by entities over which it has jurisdiction. See E. Cox, "The Nader Report" on the Federal Trade Commission vii–xiv (1969); Posner, Federal Trade Commission, Chi. L. Rev. 47, 82–84 (1969).

Syllabus

YATES *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 13–7451. Argued November 5, 2014—Decided February 25, 2015

While conducting an offshore inspection of a commercial fishing vessel in the Gulf of Mexico, a federal agent found that the ship's catch contained undersized red grouper, in violation of federal conservation regulations. The officer instructed the ship's captain, petitioner Yates, to keep the undersized fish segregated from the rest of the catch until the ship returned to port. After the officer departed, Yates instead told a crew member to throw the undersized fish overboard. For this offense, Yates was charged with destroying, concealing, and covering up undersized fish to impede a federal investigation, in violation of 18 U. S. C. § 1519. That section provides that a person may be fined or imprisoned for up to 20 years if he "knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence" a federal investigation. At trial, Yates moved for a judgment of acquittal on the § 1519 charge. Pointing to § 1519's origin as a provision of the Sarbanes-Oxley Act of 2002, a law designed to protect investors and restore trust in financial markets following the collapse of Enron Corporation, Yates argued that § 1519's reference to "tangible object" subsumes objects used to store information, such as computer hard drives, not fish. The District Court denied Yates's motion, and a jury found him guilty of violating § 1519. The Eleventh Circuit affirmed the conviction, concluding that § 1519 applies to the destruction or concealment of fish because, as objects having physical form, fish fall within the dictionary definition of "tangible object."

Held: The judgment is reversed, and the case is remanded.

733 F. 3d 1059, reversed and remanded.

JUSTICE GINSBURG, joined by THE CHIEF JUSTICE, JUSTICE BREYER, and JUSTICE SOTOMAYOR, concluded that a "tangible object" within § 1519's compass is one used to record or preserve information. Pp. 535–549.

(a) Although dictionary definitions of the words "tangible" and "object" bear consideration in determining the meaning of "tangible object" in § 1519, they are not dispositive. Whether a statutory term is unambiguous "is determined [not only] by reference to the language itself, [but also by] the specific context in which that language is used, and the

broader context of the statute as a whole." *Robinson* v. *Shell Oil Co.*, 519 U. S. 337, 341. Identical language may convey varying content when used in different statutes, sometimes even in different provisions of the same statute. See, *e. g.*, *FAA* v. *Cooper*, 566 U. S. 284, 292–293. Pp. 537–539.

(b) Familiar interpretive guides aid the construction of "tangible object." Though not commanding, § 1519's heading—"Destruction, alteration, or falsification of records in Federal investigations and bankruptcy"—conveys no suggestion that the section prohibits spoliation of any and all physical evidence, however remote from records.

Section 1519's position within Title 18, Chapter 73, further signals that § 1519 was not intended to serve as a cross-the-board ban on the destruction of physical evidence. Congress placed § 1519 at the end of Chapter 73 following immediately after pre-existing specialized provisions expressly aimed at corporate fraud and financial audits.

The contemporaneous passage of § 1512(c)(1), which prohibits a person from "alter[ing], destroy[ing], mutilat[ing], or conceal[ing] a record, document, or other object . . . with the intent to impair the object's integrity or availability for use in an official proceeding," is also instructive. The Government argues that § 1512(c)(1)'s reference to "other object" includes any and every physical object. But if § 1519's reference to "tangible object" already included all physical objects, as the Government also contends, then Congress had no reason to enact § 1512(c)(1). Section 1519 should not be read to render superfluous an entire provision passed in proximity as part of the same Act. See *Marx* v. *General Revenue Corp.*, 568 U. S. 371, 386.

The words immediately surrounding "tangible object" in § 1519—"falsifies, or makes a false entry in any record [or] document"—also cabin the contextual meaning of that term. Applying the canons *noscitur a sociis* and *ejusdem generis*, "tangible object," as the last in a list of terms that begins "any record [or] document," is appropriately read to refer, not to any tangible object, but specifically to the subset of tangible objects used to record or preserve information. This moderate interpretation accords with the list of actions § 1519 proscribes; the verbs "falsif[y]" and "mak[e] a false entry in" typically take as grammatical objects records, documents, or things used to record or preserve information, such as logbooks or hard drives. See *Gustafson* v. *Alloyd Co.*, 513 U. S. 561, 575.

Use of traditional tools of statutory interpretation to examine markers of congressional intent within the Sarbanes-Oxley Act and § 1519 itself thus call for rejection of an aggressive interpretation of "tangible object."

Syllabus

Furthermore, the meaning of "record, document, or thing" in a provision of the 1962 Model Penal Code (MPC) that has been interpreted to prohibit tampering with any kind of physical evidence is not a reliable indicator of the meaning Congress assigned to "record, document, or tangible object" in § 1519. There are significant differences between the offense described by the MPC provision and the offense created by § 1519. Pp. 539–547.

(c) Finally, if recourse to traditional tools of statutory construction leaves any doubt about the meaning of "tangible object" in § 1519, it would be appropriate to invoke the rule of lenity. Pp. 547–548.

JUSTICE ALITO concluded that traditional rules of statutory construction confirm that Yates has the better argument. Title 18 U. S. C. § 1519's list of nouns, list of verbs, and title, when combined, tip the case in favor of Yates. Applying the canons *noscitur a sociis* and *ejusdem generis* to the list of nouns—"any record, document, or tangible object"—the term "tangible object" should refer to something similar to records or documents. And while many of § 1519's verbs—"alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in"—could apply to farflung nouns such as salamanders or sand dunes, the term "makes a false entry in" makes no sense outside of filekeeping. Finally, § 1519's title—"Destruction, alteration, or falsification of records in Federal investigations and bankruptcy"—also points toward filekeeping rather than fish. Pp. 549–552.

GINSBURG, J., announced the judgment of the Court and delivered an opinion, in which ROBERTS, C. J., and BREYER and SOTOMAYOR, JJ., joined. ALITO, J., filed an opinion concurring in the judgment, *post,* p. 549. KAGAN, J., filed a dissenting opinion, in which SCALIA, KENNEDY, and THOMAS, JJ., joined, *post,* p. 552.

John L. Badalamenti argued the cause for petitioner. With him on the briefs were *Donna Lee Elm*, *Rosemary Cakmis*, and *Adeel M. Bashir.*

Roman Martinez argued the cause for the United States. With him on the brief were *Solicitor General Verrilli*, *Acting Assistant Attorney General Caldwell*, *Deputy Solicitor General Dreeben*, and *John F. De Pue.**

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*Briefs of *amici curiae* urging reversal were filed for the Cato Institute by *Bradley J. Bondi* and *Ilya Shapiro*; for Cause of Action, Inc., et al. by *Gus P. Coldebella*, *Daniel Epstein*, *Prashant Khetan*, *Shannon Lee Goessling*, *Reed Rubinstein*, and *Michele E. Connolly*; for the Chamber

Justice Ginsburg announced the judgment of the Court and delivered an opinion, in which The Chief Justice, Justice Breyer, and Justice Sotomayor join.

John Yates, a commercial fisherman, caught undersized red grouper in federal waters in the Gulf of Mexico. To prevent federal authorities from confirming that he had harvested undersized fish, Yates ordered a crew member to toss the suspect catch into the sea. For this offense, he was charged with, and convicted of, violating 18 U. S. C. § 1519, which provides:

> "Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both."

Yates was also indicted and convicted under § 2232(a), which provides:

> "Destruction or Removal of Property To Prevent Seizure.—Whoever, before, during, or after any search for or seizure of property by any person authorized to make such search or seizure, knowingly destroys,

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of Commerce of the United States of America et al. by *Jeffrey A. Rosen*, *Dominic E. Draye*, *Rachel L. Brand*, and *Sheldon Gilbert*; for 18 Criminal Law Professors by *Steffan N. Johnson*, *Andrew C. Nichols*, and *Eric M. Goldstein*; for the National Association of Criminal Defense Lawyers et al. by *William N. Shepherd* and *Barbara E. Bergman*; for the National Federation of Independent Business Small Business Legal Center by *Luke A. Wake* and *Karen R. Harned*; for the Pacific Legal Foundation et al. by *Mark Miller* and *Damien M. Schiff*; for the Washington Legal Foundation by *Cory L. Andrews*; and for Michael Oxley by *Andrew M. Grossman*.

> damages, wastes, disposes of, transfers, or otherwise takes any action, or knowingly attempts to destroy, damage, waste, dispose of, transfer, or otherwise take any action, for the purpose of preventing or impairing the Government's lawful authority to take such property into its custody or control or to continue holding such property under its lawful custody and control, shall be fined under this title or imprisoned not more than 5 years, or both."

Yates does not contest his conviction for violating § 2232(a), but he maintains that fish are not trapped within the term "tangible object," as that term is used in § 1519.

Section 1519 was enacted as part of the Sarbanes-Oxley Act of 2002, 116 Stat. 745, legislation designed to protect investors and restore trust in financial markets following the collapse of Enron Corporation. A fish is no doubt an object that is tangible; fish can be seen, caught, and handled, and a catch, as this case illustrates, is vulnerable to destruction. But it would cut § 1519 loose from its financial-fraud mooring to hold that it encompasses any and all objects, whatever their size or significance, destroyed with obstructive intent. Mindful that in Sarbanes-Oxley, Congress trained its attention on corporate and accounting deception and coverups, we conclude that a matching construction of § 1519 is in order: A tangible object captured by § 1519, we hold, must be one used to record or preserve information.

I

On August 23, 2007, the *Miss Katie*, a commercial fishing boat, was six days into an expedition in the Gulf of Mexico. Her crew numbered three, including Yates, the captain. Engaged in a routine offshore patrol to inspect both recreational and commercial vessels, Officer John Jones of the Florida Fish and Wildlife Conservation Commission decided to board the *Miss Katie* to check on the vessel's compliance with fishing rules. Although the *Miss Katie* was far enough

from the Florida coast to be in exclusively federal waters, she was nevertheless within Officer Jones's jurisdiction. Because he had been deputized as a federal agent by the National Marine Fisheries Service, Officer Jones had authority to enforce federal, as well as state, fishing laws.

Upon boarding the *Miss Katie*, Officer Jones noticed three red grouper that appeared to be undersized hanging from a hook on the deck. At the time, federal conservation regulations required immediate release of red grouper less than 20 inches long. 50 CFR § 622.37(d)(2)(ii) (effective April 2, 2007). Violation of those regulations is a civil offense punishable by a fine or fishing license suspension. See 16 U. S. C. §§ 1857(1)(A), (G), 1858(a), (g).

Suspecting that other undersized fish might be on board, Officer Jones proceeded to inspect the ship's catch, setting aside and measuring only fish that appeared to him to be shorter than 20 inches. Officer Jones ultimately determined that 72 fish fell short of the 20-inch mark. A fellow officer recorded the length of each of the undersized fish on a catch measurement verification form. With few exceptions, the measured fish were between 19 and 20 inches; three were less than 19 inches; none were less than 18.75 inches. After separating the fish measuring below 20 inches from the rest of the catch by placing them in wooden crates, Officer Jones directed Yates to leave the fish, thus segregated, in the crates until the *Miss Katie* returned to port. Before departing, Officer Jones issued Yates a citation for possession of undersized fish.

Four days later, after the *Miss Katie* had docked in Cortez, Florida, Officer Jones measured the fish contained in the wooden crates. This time, however, the measured fish, although still less than 20 inches, slightly exceeded the lengths recorded on board. Jones surmised that the fish brought to port were not the same as those he had detected during his initial inspection. Under questioning, one of the crew members admitted that, at Yates's direction, he had thrown over-

board the fish Officer Jones had measured at sea, and that he and Yates had replaced the tossed grouper with fish from the rest of the catch.

For reasons not disclosed in the record before us, more than 32 months passed before criminal charges were lodged against Yates. On May 5, 2010, he was indicted for destroying property to prevent a federal seizure, in violation of § 2232(a), and for destroying, concealing, and covering up undersized fish to impede a federal investigation, in violation of § 1519.[1] By the time of the indictment, the minimum legal length for Gulf red grouper had been lowered from 20 inches to 18 inches. See 50 CFR § 622.37(d)(2)(iv) (effective May 18, 2009). No measured fish in Yates's catch fell below that limit. The record does not reveal what civil penalty, if any, Yates received for his possession of fish undersized under the 2007 regulation. See 16 U. S. C. § 1858(a).

Yates was tried on the criminal charges in August 2011. At the end of the Government's case in chief, he moved for a judgment of acquittal on the § 1519 charge. Pointing to § 1519's title and its origin as a provision of the Sarbanes-Oxley Act, Yates argued that the section sets forth "a documents offense" and that its reference to "tangible object[s]" subsumes "computer hard drives, logbooks, [and] things of that nature," not fish. App. 91–92. Yates acknowledged that the Criminal Code contains "sections that would have been appropriate for the [G]overnment to pursue" if it wished to prosecute him for tampering with evidence. App. 91. Section 2232(a), set out *supra*, at 531–532, fit that description. But § 1519, Yates insisted, did not.

The Government countered that a "tangible object" within § 1519's compass is "simply something other than a document or record." App. 93. The trial judge expressed misgivings about reading "tangible object" as broadly as the Govern-

[1] Yates was also charged with making a false statement to federal law enforcement officers, in violation of 18 U. S. C. § 1001(a)(2). That charge, on which Yates was acquitted, is not relevant to our analysis.

ment urged: "Isn't there a Latin phrase [about] construction of a statute . . . . The gist of it is . . . you take a look at [a] line of words, and you interpret the words consistently. So if you're talking about documents, and records, tangible objects are tangible objects in the nature of a document or a record, as opposed to a fish." *Ibid.* The first-instance judge nonetheless followed controlling Eleventh Circuit precedent. While recognizing that § 1519 was passed as part of legislation targeting corporate fraud, the Court of Appeals had instructed that "the broad language of § 1519 is not limited to corporate fraud cases, and 'Congress is free to pass laws with language covering areas well beyond the particular crisis *du jour* that initially prompted legislative action.'" No. 2:10–cr–66–FtM–29SPC (MD Fla., Aug. 8, 2011), App. 116 (quoting *United States* v. *Hunt*, 526 F. 3d 739, 744 (CA11 2008)). Accordingly, the trial court read "tangible object" as a term "independent" of "record" or "document." App. 116. For violating § 1519 and § 2232(a), the court sentenced Yates to imprisonment for 30 days, followed by supervised release for three years. App. 118–120. For life, he will bear the stigma of having a federal felony conviction.

On appeal, the Eleventh Circuit found the text of § 1519 "plain." 733 F. 3d 1059, 1064 (2013). Because "tangible object" was "undefined" in the statute, the Court of Appeals gave the term its "ordinary or natural meaning," *i. e.*, its dictionary definition, "[h]aving or possessing physical form." *Ibid.* (quoting Black's Law Dictionary 1592 (9th ed. 2009)).

We granted certiorari, 572 U. S. 1087 (2014), and now reverse the Eleventh Circuit's judgment.

II

The Sarbanes-Oxley Act, all agree, was prompted by the exposure of Enron's massive accounting fraud and revelations that the company's outside auditor, Arthur Andersen LLP, had systematically destroyed potentially incriminating

documents. The Government acknowledges that § 1519 was intended to prohibit, in particular, corporate document-shredding to hide evidence of financial wrongdoing. Brief for United States 46. Prior law made it an offense to "intimidat[e], threate[n], or corruptly persuad[e] *another person*" to shred documents. § 1512(b) (emphasis added). Section 1519 cured a conspicuous omission by imposing liability on a person who destroys records himself. See S. Rep. No. 107–146, p. 14 (2002) (describing § 1519 as "a new general anti shredding provision" and explaining that "certain current provisions make it a crime to persuade another person to destroy documents, but not a crime to actually destroy the same documents yourself"). The new section also expanded prior law by including within the provision's reach "any matter within the jurisdiction of any department or agency of the United States." See *id.*, at 14–15.

In the Government's view, § 1519 extends beyond the principal evil motivating its passage. The words of § 1519, the Government argues, support reading the provision as a general ban on the spoliation of evidence, covering all physical items that might be relevant to any matter under federal investigation.

Yates urges a contextual reading of § 1519, tying "tangible object" to the surrounding words, the placement of the provision within the Sarbanes-Oxley Act, and related provisions enacted at the same time, in particular § 1520 and § 1512(c)(1), see *infra*, at 540, 541. Section 1519, he maintains, targets not all manner of evidence, but records, documents, and tangible objects used to preserve them, *e. g.*, computers, servers, and other media on which information is stored.

We agree with Yates and reject the Government's unrestrained reading. "Tangible object" in § 1519, we conclude, is better read to cover only objects one can use to record or preserve information, not all objects in the physical world.

A

The ordinary meaning of an "object" that is "tangible," as stated in dictionary definitions, is "a discrete . . . thing," Webster's Third New International Dictionary 1555 (2002), that "possess[es] physical form," Black's Law Dictionary 1683 (10th ed. 2014). From this premise, the Government concludes that "tangible object," as that term appears in § 1519, covers the waterfront, including fish from the sea.

Whether a statutory term is unambiguous, however, does not turn solely on dictionary definitions of its component words. Rather, "[t]he plainness or ambiguity of statutory language is determined [not only] by reference to the language itself, [but as well by] the specific context in which that language is used, and the broader context of the statute as a whole." *Robinson* v. *Shell Oil Co.*, 519 U. S. 337, 341 (1997). See also *Deal* v. *United States*, 508 U. S. 129, 132 (1993) (it is a "fundamental principle of statutory construction (and, indeed, of language itself) that the meaning of a word cannot be determined in isolation, but must be drawn from the context in which it is used"). Ordinarily, a word's usage accords with its dictionary definition. In law as in life, however, the same words, placed in different contexts, sometimes mean different things.

We have several times affirmed that identical language may convey varying content when used in different statutes, sometimes even in different provisions of the same statute. See, *e. g.*, *FAA* v. *Cooper*, 566 U. S. 284, 292–293 (2012) ("actual damages" has different meanings in different statutes); *Wachovia Bank, N. A.* v. *Schmidt*, 546 U. S. 303, 313–314 (2006) ("located" has different meanings in different provisions of the National Bank Act); *General Dynamics Land Systems, Inc.* v. *Cline*, 540 U. S. 581, 595–597 (2004) ("age" has different meanings in different provisions of the Age Discrimination in Employment Act of 1967); *United States* v. *Cleveland Indians Baseball Co.*, 532 U. S. 200, 213 (2001)

("wages paid" has different meanings in different provisions of Title 26 U. S. C.); *Robinson*, 519 U. S., at 342–344 ("employee" has different meanings in different sections of Title VII of the Civil Rights Act of 1964); *Merrell Dow Pharmaceuticals Inc.* v. *Thompson*, 478 U. S. 804, 807–808 (1986) ("arising under" has different meanings in U. S. Const., Art. III, § 2, and 28 U. S. C. § 1331); *District of Columbia* v. *Carter*, 409 U. S. 418, 420–421 (1973) ("State or Territory" has different meanings in 42 U. S. C. § 1982 and § 1983); *Atlantic Cleaners & Dyers, Inc.* v. *United States*, 286 U. S. 427, 433–437 (1932) ("trade or commerce" has different meanings in different sections of the Sherman Act). As the Court observed in *Atlantic Cleaners & Dyers*, 286 U. S., at 433:

> "Most words have different shades of meaning and consequently may be variously construed . . . . Where the subject matter to which the words refer is not the same in the several places where [the words] are used, or the conditions are different, or the scope of the legislative power exercised in one case is broader than that exercised in another, the meaning well may vary to meet the purposes of the law, to be arrived at by a consideration of the language in which those purposes are expressed, and of the circumstances under which the language was employed."[2]

In short, although dictionary definitions of the words "tangible" and "object" bear consideration, they are not dispositive of the meaning of "tangible object" in § 1519.

Supporting a reading of "tangible object," as used in § 1519, in accord with dictionary definitions, the Government points to the appearance of that term in Federal Rule of Criminal Procedure 16. That Rule requires the prosecution to grant a defendant's request to inspect "tangible objects"

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[2] The dissent assiduously ignores all this, *post*, at 563, in insisting that Congress wrote § 1519 to cover, along with shredded corporate documents, red grouper slightly smaller than the legal limit.

within the Government's control that have utility for the defense. See Fed. Rule Crim. Proc. 16(a)(1)(E).

Rule 16's reference to "tangible objects" has been interpreted to include any physical evidence. See 5 W. LaFave, J. Israel, N. King, & O. Kerr, Criminal Procedure § 20.3(g), pp. 405–406, and n. 120 (3d ed. 2007). Rule 16 is a discovery rule designed to protect defendants by compelling the prosecution to turn over to the defense evidence material to the charges at issue. In that context, a comprehensive construction of "tangible objects" is fitting. In contrast, § 1519 is a penal provision that refers to "tangible object" not in relation to a request for information relevant to a specific court proceeding, but rather in relation to federal investigations or proceedings of every kind, including those not yet begun.[3] See *Commissioner* v. *National Carbide Corp.*, 167 F. 2d 304, 306 (CA2 1948) (Hand, J.) ("words are chameleons, which reflect the color of their environment"). Just as the context of Rule 16 supports giving "tangible object" a meaning as broad as its dictionary definition, the context of § 1519 tugs strongly in favor of a narrower reading.

B

Familiar interpretive guides aid our construction of the words "tangible object" as they appear in § 1519.

We note first § 1519's caption: "Destruction, alteration, or falsification of records in Federal investigations and bankruptcy." That heading conveys no suggestion that the section prohibits spoliation of any and all physical evidence, however remote from records. Neither does the title of the section of the Sarbanes-Oxley Act in which § 1519 was placed, § 802: "Criminal penalties for altering documents."

[3] For the same reason, we do not think the meaning of "tangible objects" (or "tangible things," see Fed. Rule Civ. Proc. 26(b)) in other discovery prescriptions cited by the Government leads to the conclusion that "tangible object" in § 1519 encompasses any and all physical evidence existing on land or in the sea.

116 Stat. 800. Furthermore, § 1520, the only other provision passed as part of § 802, is titled "Destruction of corporate audit records" and addresses only that specific subset of records and documents. While these headings are not commanding, they supply cues that Congress did not intend "tangible object" in § 1519 to sweep within its reach physical objects of every kind, including things no one would describe as records, documents, or devices closely associated with them. See *Almendarez-Torres* v. *United States*, 523 U. S. 224, 234 (1998) ("[T]he title of a statute and the heading of a section are tools available for the resolution of a doubt about the meaning of a statute." (internal quotation marks omitted)). If Congress indeed meant to make § 1519 an all-encompassing ban on the spoliation of evidence, as the dissent believes Congress did, one would have expected a clearer indication of that intent.

Section 1519's position within Chapter 73 of Title 18 further signals that § 1519 was not intended to serve as a cross-the-board ban on the destruction of physical evidence of every kind. Congress placed § 1519 (and its companion provision § 1520) at the end of the chapter, following immediately after the pre-existing § 1516, § 1517, and § 1518, each of them prohibiting obstructive acts in specific contexts. See § 1516 (audits of recipients of federal funds); § 1517 (federal examinations of financial institutions); § 1518 (criminal investigations of federal health care offenses). See also S. Rep. No. 107–146, at 7 (observing that § 1517 and § 1518 "apply to obstruction in certain limited types of cases, such as bankruptcy fraud, examinations of financial institutions, and healthcare fraud").

But Congress did not direct codification of the Sarbanes-Oxley Act's other additions to Chapter 73 adjacent to these specialized provisions. Instead, Congress directed placement of those additions within or alongside retained provisions that address obstructive acts relating broadly to official proceedings and criminal trials: Section 806, "Civil Action to

protect against retaliation in fraud cases," was codified as § 1514A and inserted between the pre-existing § 1514, which addresses civil actions to restrain harassment of victims and witnesses in criminal cases, and § 1515, which defines terms used in § 1512 and § 1513. Section 1102, "Tampering with a record or otherwise impeding an official proceeding," was codified as § 1512(c) and inserted within the pre-existing § 1512, which addresses tampering with a victim, witness, or informant to impede any official proceeding. Section 1107, "Retaliation against informants," was codified as § 1513(e) and inserted within the pre-existing § 1513, which addresses retaliation against a victim, witness, or informant in any official proceeding. Congress thus ranked § 1519, not among the broad proscriptions, but together with specialized provisions expressly aimed at corporate fraud and financial audits. This placement accords with the view that Congress' conception of § 1519's coverage was considerably more limited than the Government's.[4]

The contemporaneous passage of § 1512(c)(1), which was contained in a section of the Sarbanes-Oxley Act discrete from the section embracing § 1519 and § 1520, is also instructive. Section 1512(c)(1) provides:

> "(c) Whoever corruptly—
>
> "(1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the

[4] The dissent contends that nothing can be drawn from the placement of § 1519 because, before and after Sarbanes-Oxley, "all of Chapter 73 was ordered chronologically." *Post*, at 560. The argument might have some force if the factual premise were correct. In Sarbanes-Oxley, Congress directed insertion of § 1514A *before* § 1518, then the last section in Chapter 73. If, as the dissent argues, Congress adopted § 1519 to fill out § 1512, *post*, at 557–558, it would have made more sense for Congress to codify the substance of § 1519 within § 1512 or in a new § 1512A, rather than placing § 1519 among specialized provisions. Notably, in Sarbanes-Oxley, Congress added § 1512(c)(1), "a broad ban on evidence-spoliation," *post*, at 560, n. 2, to § 1512, even though § 1512's pre-existing title and provisions all related to witness tampering.

> intent to impair the object's integrity or availability for use in an official proceeding
>
> . . . . .
>
> "shall be fined under this title or imprisoned not more than 20 years, or both."

The legislative history reveals that § 1512(c)(1) was drafted and proposed after § 1519. See 148 Cong. Rec. 12518, 13088–13089 (2002). The Government argues, and Yates does not dispute, that § 1512(c)(1)'s reference to "other object" includes any and every physical object. But if § 1519's reference to "tangible object" already included all physical objects, as the Government and the dissent contend, then Congress had no reason to enact § 1512(c)(1): Virtually any act that would violate § 1512(c)(1) no doubt would violate § 1519 as well, for § 1519 applies to "the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States . . . or in relation to or contemplation of any such matter," not just to "an official proceeding."[5]

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[5] Despite this sweeping "in relation to" language, the dissent remarkably suggests that § 1519 does not "ordinarily operate in th[e] context [of] federal court[s]," for those courts are not "'department[s] or agenc[ies].'" *Post*, at 561. That suggestion, which, as one would expect, lacks the Government's endorsement, does not withstand examination. The Senate Committee Report on § 1519, on which the dissent elsewhere relies, see *post*, at 557–558, explained that an obstructive act is within § 1519's scope if "done 'in contemplation' of or in relation to a matter or investigation." S. Rep. No. 107–146, p. 15 (2002). The Report further informed that § 1519 "is . . . meant to do away with the distinctions, which some courts have read into obstruction statutes, between court proceedings, investigations, regulatory or administrative proceedings (whether formal or not), and less formal government inquiries, regardless of their title." *Ibid.* If any doubt remained about the multiplicity of contexts in which § 1519 was designed to apply, the Report added, "[t]he intent of the provision is simple; people should not be destroying, altering, or falsifying documents to obstruct any government function." *Ibid.*

The Government acknowledges that, under its reading, § 1519 and § 1512(c)(1) "significantly overlap." Brief for United States 49. Nowhere does the Government explain what independent function § 1512(c)(1) would serve if the Government is right about the sweeping scope of § 1519. We resist a reading of § 1519 that would render superfluous an entire provision passed in proximity as part of the same Act.[6] See *Marx* v. *General Revenue Corp.*, 568 U. S. 371, 386 (2013) ("[T]he canon against surplusage is strongest when an interpretation would render superfluous another part of the same statutory scheme.").

The words immediately surrounding "tangible object" in § 1519—"falsifies, or makes a false entry in any record [or] document"—also cabin the contextual meaning of that term. As explained in *Gustafson* v. *Alloyd Co.*, 513 U. S. 561 (1995), we rely on the principle of *noscitur a sociis*—a word is known by the company it keeps—to "avoid ascribing to one word a meaning so broad that it is inconsistent with its accompanying words, thus giving unintended breadth to the Acts of Congress." *Id.*, at 575 (internal quotation marks omitted). See also *United States* v. *Williams*, 553 U. S. 285, 294 (2008) ("a word is given more precise content by the neighboring words with which it is associated"). In *Gustafson*, we interpreted the word "communication" in § 2(10) of the Securities Act of 1933 to refer to a public communication, rather than any communication, because the word appeared in a list with other words, notably "notice, circular, [and] advertisement," making it "apparent that the list refer[red] to documents of wide dissemination." 513 U. S., at 575–576. And we did so even though the list began with the word "any."

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[6] Furthermore, if "tangible object" in § 1519 is read to include any physical object, § 1519 would prohibit all of the conduct proscribed by § 2232(a), which imposes a maximum penalty of five years in prison for destroying or removing "property" to prevent its seizure by the Government. See *supra*, at 531–532.

The *noscitur a sociis* canon operates in a similar manner here. "Tangible object" is the last in a list of terms that begins "any record [or] document." The term is therefore appropriately read to refer, not to any tangible object, but specifically to the subset of tangible objects involving records and documents, *i. e.*, objects used to record or preserve information. See United States Sentencing Commission, Guidelines Manual § 2J1.2, comment., n. 1 (Nov. 2014) ("'Records, documents, or tangible objects' includes (A) records, documents, or tangible objects that are stored on, or that are, magnetic, optical, digital, other electronic, or other storage mediums or devices; and (B) wire or electronic communications.").

This moderate interpretation of "tangible object" accords with the list of actions § 1519 proscribes. The section applies to anyone who "alters, destroys, mutilates, conceals, covers up, *falsifies*, or *makes a false entry in* any record, document, or tangible object" with the requisite obstructive intent. (Emphasis added.) The last two verbs, "falsif[y]" and "mak[e] a false entry in," typically take as grammatical objects records, documents, or things used to record or preserve information, such as logbooks or hard drives. See, *e. g.*, Black's Law Dictionary 720 (10th ed. 2014) (defining "falsify" as "[t]o make deceptive; to counterfeit, forge, or misrepresent; esp., to tamper with (a document, record, etc.)"). It would be unnatural, for example, to describe a killer's act of wiping his fingerprints from a gun as "falsifying" the murder weapon. But it would not be strange to refer to "falsifying" data stored on a hard drive as simply "falsifying" a hard drive. Furthermore, Congress did not include on § 1512(c)(1)'s list of prohibited actions "falsifies" or "makes a false entry in." See § 1512(c)(1) (making it unlawful to "alte[r], destro[y], mutilat[e], or concea[l] a record, document, or other object" with the requisite obstructive intent). That contemporaneous omission also suggests that Congress in-

tended "tangible object" in § 1519 to have a narrower scope than "other object" in § 1512(c)(1).[7]

A canon related to *noscitur a sociis*, *ejusdem generis*, counsels: "[W]here general words follow specific words in a statutory enumeration, the general words are [usually] construed to embrace only objects similar in nature to those objects enumerated by the preceding specific words." *Washington State Dept. of Social and Health Servs.* v. *Guardianship Estate of Keffeler*, 537 U. S. 371, 384 (2003) (internal quotation marks omitted). In *Begay* v. *United States*, 553 U. S. 137, 142–143 (2008), for example, we relied on this principle to determine what crimes were covered by the statutory phrase "any crime . . . that . . . is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another," 18 U. S. C. § 924(e)(2)(B)(ii). The enumeration of specific crimes, we explained, indicates that the "otherwise involves" provision covers "only *similar* crimes, rather than *every* crime that 'presents a serious potential risk of physical injury to another.'" 553 U. S., at 142. Had Congress intended the latter "all encompassing" meaning, we observed, "it is hard to see why it would have needed

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[7] The dissent contends that "record, document, or tangible object" in § 1519 should be construed in conformity with "record, document, or other object" in § 1512(c)(1) because both provisions address "the same basic problem." *Post*, at 563. But why should that be so when Congress prohibited in § 1519 additional actions, specific to paper and electronic documents and records, actions it did not prohibit in § 1512(c)(1)? When Congress passed Sarbanes-Oxley in 2002, courts had already interpreted the phrase "alter, destroy, mutilate, or conceal an object" in § 1512(b)(2)(B) to apply to all types of physical evidence. See, *e. g.*, *United States* v. *Applewhaite*, 195 F. 3d 679, 688 (CA3 1999) (affirming conviction under § 1512(b)(2)(B) for persuading another person to paint over blood spatter). Congress' use of a formulation in § 1519 that did not track the one used in § 1512(b)(2)(B) (and repeated in § 1512(c)(1)) suggests that Congress designed § 1519 to be interpreted apart from § 1512, not in lockstep with it.

to include the examples at all." *Ibid.* See also *CSX Transp., Inc.* v. *Alabama Dept. of Revenue*, 562 U. S. 277, 295 (2011) ("We typically use *ejusdem generis* to ensure that a general word will not render specific words meaningless."). Just so here. Had Congress intended "tangible object" in § 1519 to be interpreted so generically as to capture physical objects as dissimilar as documents and fish, Congress would have had no reason to refer specifically to "record" or "document." The Government's unbounded reading of "tangible object" would render those words misleading surplusage.

Having used traditional tools of statutory interpretation to examine markers of congressional intent within the Sarbanes-Oxley Act and § 1519 itself, we are persuaded that an aggressive interpretation of "tangible object" must be rejected. It is highly improbable that Congress would have buried a general spoliation statute covering objects of any and every kind in a provision targeting fraud in financial recordkeeping.

The Government argues, however, that our inquiry would be incomplete if we failed to consider the origins of the phrase "record, document, or tangible object." Congress drew that phrase, the Government says, from a 1962 Model Penal Code (MPC) provision, and reform proposals based on that provision. The MPC provision and proposals prompted by it would have imposed liability on anyone who "alters, destroys, mutilates, conceals, or removes a record, document or thing." See ALI, MPC § 241.7(1), p. 175 (1962). Those proscriptions were understood to refer to all physical evidence. See MPC § 241.7, Comment 3, at 179 (1980) (provision "applies to any physical object"). Accordingly, the Government reasons, and the dissent exuberantly agrees, *post*, at 556, Congress must have intended § 1519 to apply to the universe of physical evidence.

The inference is unwarranted. True, the 1962 MPC provision prohibited tampering with any kind of physical evidence. But unlike § 1519, the MPC provision did not pro-

hibit actions that specifically relate to records, documents, and objects used to record or preserve information. The MPC provision also ranked the offense as a misdemeanor and limited liability to instances in which the actor "believ[es] that an official proceeding or investigation is pending or about to be instituted." MPC § 241.7(1), at 175. Yates would have had scant reason to anticipate a felony prosecution, and certainly not one instituted at a time when even the smallest of the fish he caught came within the legal limit. See *supra*, at 534; cf. *Bond* v. *United States*, 572 U. S. 844, 860 (2014) (rejecting "boundless reading" of a statutory term given "deeply serious consequences" that reading would entail). A proposed federal offense in line with the MPC provision, advanced by a federal commission in 1971, was similarly qualified. See Final Report of the National Commission on Reform of Federal Criminal Laws § 1323, pp. 116–117 (1971).

Section 1519 conspicuously lacks the limits built into the MPC provision and the federal proposal. It describes not a misdemeanor, but a felony punishable by up to 20 years in prison. And the section covers conduct intended to impede any federal investigation or proceeding, including one not even on the verge of commencement. Given these significant differences, the meaning of "record, document, or thing" in the MPC provision and a kindred proposal is not a reliable indicator of the meaning Congress assigned to "record, document, or tangible object" in § 1519. The MPC provision, in short, tells us neither "what Congress wrote [nor] what Congress wanted," *post*, at 566, concerning Yates's small fish as the subject of a federal felony prosecution.

C

Finally, if our recourse to traditional tools of statutory construction leaves any doubt about the meaning of "tangible object," as that term is used in § 1519, we would invoke the rule that "ambiguity concerning the ambit of criminal stat-

utes should be resolved in favor of lenity." *Cleveland* v. *United States*, 531 U. S. 12, 25 (2000) (quoting *Rewis* v. *United States*, 401 U. S. 808, 812 (1971)). That interpretative principle is relevant here, where the Government urges a reading of § 1519 that exposes individuals to 20-year prison sentences for tampering with *any* physical object that *might* have evidentiary value in *any* federal investigation into *any* offense, no matter whether the investigation is pending or merely contemplated, or whether the offense subject to investigation is criminal or civil. See *Liparota* v. *United States*, 471 U. S. 419, 427 (1985) ("Application of the rule of lenity ensures that criminal statutes will provide fair warning concerning conduct rendered illegal and strikes the appropriate balance between the legislature, the prosecutor, and the court in defining criminal liability."). In determining the meaning of "tangible object" in § 1519, "it is appropriate, before we choose the harsher alternative, to require that Congress should have spoken in language that is clear and definite." *Cleveland*, 531 U. S., at 25 (quoting *United States* v. *Universal C. I. T. Credit Corp.*, 344 U. S. 218, 222 (1952)). See also *Jones* v. *United States*, 529 U. S. 848, 858–859 (2000) (rule of lenity "reinforces" the conclusion that arson of an owner-occupied residence is not subject to federal prosecution under 18 U. S. C. § 844(i) because such a residence does not qualify as property "used in" commerce or commerce-affecting activity).[8]

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[8] The dissent cites *United States* v. *McRae*, 702 F. 3d 806, 834–838 (CA5 2012), *United States* v. *Maury*, 695 F. 3d 227, 243–244 (CA3 2012), and *United States* v. *Natal*, 2014 U. S. Dist. LEXIS 108852, *24–*26 (Conn., Aug. 7, 2014), as cases that would not be covered by § 1519 as we read it. *Post*, at 569–570. Those cases supply no cause for concern that persons who commit "major" obstructive acts, *post*, at 569, will go unpunished. The defendant in *McRae*, a police officer who seized a car containing a corpse and then set it on fire, was also convicted for that conduct under 18 U. S. C. § 844(h) and sentenced to a term of 120 months' imprisonment for that offense. See 702 F. 3d, at 817–818, 839–840. The defendant in *Natal*,

* * *

For the reasons stated, we resist reading § 1519 expansively to create a coverall spoliation of evidence statute, advisable as such a measure might be. Leaving that important decision to Congress, we hold that a "tangible object" within § 1519's compass is one used to record or preserve information. The judgment of the U. S. Court of Appeals for the Eleventh Circuit is therefore reversed, and the case is remanded for further proceedings.

It is so ordered.

Justice Alito, concurring in the judgment.

This case can and should be resolved on narrow grounds. And though the question is close, traditional tools of statutory construction confirm that John Yates has the better of the argument. Three features of 18 U. S. C. § 1519 stand out to me: the statute's list of nouns, its list of verbs, and its title. Although perhaps none of these features by itself would tip the case in favor of Yates, the three combined do so.

Start with the nouns. Section 1519 refers to "any record, document, or tangible object." The *noscitur a sociis* canon instructs that when a statute contains a list, each word in that list presumptively has a "similar" meaning. See, *e. g.*,

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who repainted a van to cover up evidence of a fatal arson, was also convicted of three counts of violating 18 U. S. C. § 3 and sentenced to concurrent terms of 174 months' imprisonment. See Judgment in *United States* v. *Morales*, No. 3:12–cr–164 (D Conn., Jan. 12, 2015). And the defendant in *Maury*, a company convicted under § 1519 of concealing evidence that a cement mixer's safety lock was disabled when a worker's fingers were amputated, was also convicted of numerous other violations, including three counts of violating 18 U. S. C. § 1505 for concealing evidence of other worker safety violations. See 695 F. 3d, at 244–245. See also *United States* v. *Atlantic States Cast Iron Pipe Co.*, 2007 WL 2282514, *70 (D NJ, Aug. 2, 2007) (setting forth charges against the company). For those violations, the company was fined millions of dollars and ordered to operate under the supervision of a court-appointed monitor. See 695 F. 3d, at 246.

Gustafson v. *Alloyd Co.*, 513 U. S. 561, 576 (1995). A related canon, *ejusdem generis* teaches that general words following a list of specific words should usually be read in light of those specific words to mean something "similar." See, *e. g.*, *Christopher* v. *SmithKline Beecham Corp.*, 567 U. S. 142, 163 (2012). Applying these canons to § 1519's list of nouns, the term "tangible object" should refer to something similar to records or documents. A fish does not spring to mind—nor does an antelope, a colonial farmhouse, a hydrofoil, or an oil derrick. All are "objects" that are "tangible." But who wouldn't raise an eyebrow if a neighbor, when asked to identify something similar to a "record" or "document," said "crocodile"?

This reading, of course, has its shortcomings. For instance, this is an imperfect *ejusdem generis* case because "record" and "document" are themselves quite general. And there is a risk that "tangible object" may be made superfluous—what is similar to a "record" or "document" but yet is not one? An e-mail, however, could be such a thing. See United States Sentencing Commission, Guidelines Manual § 2J1.2 and comment. (Nov. 2003) (reading "records, documents, or tangible objects" to "includ[e]" what is found on "magnetic, optical, digital, other electronic, or other storage mediums or devices"). An e-mail, after all, might not be a "document" if, as was "traditionally" so, a document was a "piece of paper with information on it," not "information stored on a computer, electronic storage device, or any other medium." Black's Law Dictionary 587–588 (10th ed. 2014). E-mails might also not be "records" if records are limited to "minutes" or other formal writings "designed to memorialize [past] events." *Id.*, at 1465. A hard drive, however, is tangible and can contain files that are precisely akin to even these narrow definitions. Both "record" and "document" can be read more expansively, but adding "tangible object" to § 1519 would ensure beyond question that electronic files are included. To be sure, "tangible object" presum-

ably can capture more than just e-mails; Congress enacts "catchall[s]" for "known unknowns." *Republic of Iraq* v. *Beaty*, 556 U. S. 848, 860 (2009). But where *noscitur a sociis* and *ejusdem generis* apply, "known unknowns" should be similar to known knowns, *i. e.*, here, records and documents. This is especially true because reading "tangible object" too broadly could render "record" and "document" superfluous.

Next, consider § 1519's list of verbs: "alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in." Although many of those verbs could apply to nouns as far-flung as salamanders, satellites, or sand dunes, the last phrase in the list—"makes a false entry in"—makes no sense outside of filekeeping. How does one make a false entry in a fish? "Alters" and especially "falsifies" are also closely associated with filekeeping. Not one of the verbs, moreover, *cannot* be applied to filekeeping—certainly not in the way that "makes a false entry in" is always inconsistent with the aquatic.

Again, the Government is not without a response. One can imagine Congress trying to write a law so broadly that not every verb lines up with every noun. But failure to "line up" may suggest that something has gone awry in one's interpretation of a text. Where, as here, each of a statute's verbs applies to a certain category of nouns, there is some reason to think that Congress had that category in mind. Categories, of course, are often underinclusive or overinclusive—§ 1519, for instance, applies to a bomb-threatening letter but not a bomb. But this does not mean that categories are not useful or that Congress does not enact them. See, *e. g.*, *Vance* v. *Bradley*, 440 U. S. 93, 108–109 (1979). Here, focusing on the verbs, the category of nouns appears to be filekeeping. This observation is not dispositive, but neither is it nothing. The Government also contends that § 1519's verbs cut both ways because it is unnatural to apply "falsifies" to tangible objects, and that is certainly true. One

does not falsify the outside casing of a hard drive, but one could falsify or alter data physically recorded on that hard drive.

Finally, my analysis is influenced by § 1519's title: "Destruction, alteration, or falsification of *records* in Federal investigations and bankruptcy." (Emphasis added.) This too points toward filekeeping, not fish. Titles can be useful devices to resolve "'doubt about the meaning of a statute.'" *Porter* v. *Nussle*, 534 U. S. 516, 527–528 (2002) (quoting *Almendarez-Torres* v. *United States*, 523 U. S. 224, 234 (1998)); see also *Lawson* v. *FMR LLC*, 571 U. S. 429, 465–466 (2014) (SOTOMAYOR, J., dissenting). The title is especially valuable here because it reinforces what the text's nouns and verbs independently suggest—that no matter how other statutes might be read, this particular one does not cover every noun in the universe with tangible form.

Titles, of course, are also not dispositive. Here, if the list of nouns did not already suggest that "tangible object" should mean something similar to records or documents, especially when read in conjunction with § 1519's peculiar list of verbs with their focus on filekeeping, then the title would not be enough on its own. In conjunction with those other two textual features, however, the Government's argument, though colorable, becomes too implausible to accept. See, *e. g.*, *Washington State Dept. of Social and Health Servs.* v. *Guardianship Estate of Keffeler*, 537 U. S. 371, 384–385 (2003) (focusing on the "product of [two] canons of construction" which was "confirmed" by other interpretative evidence); cf. *Al-Adahi* v. *Obama*, 613 F. 3d 1102, 1105–1106 (CADC 2010) (aggregating evidence).

JUSTICE KAGAN, with whom JUSTICE SCALIA, JUSTICE KENNEDY, and JUSTICE THOMAS join, dissenting.

A criminal law, 18 U. S. C. § 1519, prohibits tampering with "any record, document, or tangible object" in an attempt to obstruct a federal investigation. This case raises the ques-

tion whether the term "tangible object" means the same thing in § 1519 as it means in everyday language—any object capable of being touched. The answer should be easy: Yes. The term "tangible object" is broad, but clear. Throughout the U. S. Code and many States' laws, it invariably covers physical objects of all kinds. And in § 1519, context confirms what bare text says: All the words surrounding "tangible object" show that Congress meant the term to have a wide range. That fits with Congress's evident purpose in enacting § 1519: to punish those who alter or destroy physical evidence—*any* physical evidence—with the intent of thwarting federal law enforcement.

The plurality instead interprets "tangible object" to cover "only objects one can use to record or preserve information." *Ante*, at 536. The concurring opinion similarly, if more vaguely, contends that "tangible object" should refer to "something similar to records or documents"—and shouldn't include colonial farmhouses, crocodiles, or fish. *Ante*, at 550 (ALITO, J., concurring in judgment). In my view, conventional tools of statutory construction all lead to a more conventional result: A "tangible object" is an object that's tangible. I would apply the statute that Congress enacted and affirm the judgment below.

I

While the plurality starts its analysis with § 1519's heading, see *ante*, at 539 ("We note first § 1519's caption"), I would begin with § 1519's text. When Congress has not supplied a definition, we generally give a statutory term its ordinary meaning. See, *e. g.*, *Schindler Elevator Corp.* v. *United States ex rel. Kirk*, 563 U. S. 401, 407 (2011). As the plurality must acknowledge, the ordinary meaning of "tangible object" is "a discrete thing that possesses physical form." *Ante*, at 537 (punctuation and citation omitted). A fish is, of course, a discrete thing that possesses physical form. See generally Dr. Seuss, One Fish Two Fish Red Fish Blue Fish (1960). So the ordinary meaning of the term "tangible ob-

ject" in § 1519, as no one here disputes, covers fish (including too-small red grouper).

That interpretation accords with endless uses of the term in statute and rule books as construed by courts. Dozens of federal laws and rules of procedure (and hundreds of state enactments) include the term "tangible object" or its first cousin "tangible thing"—some in association with documents, others not. See, *e. g.*, 7 U. S. C. § 8302(2) (referring to "any material or tangible object that could harbor a pest or disease"); 15 U. S. C. § 57b–1(c) (authorizing investigative demands for "documentary material or tangible things"); 18 U. S. C. § 668(a)(1)(D) (defining "museum" as entity that owns "tangible objects that are exhibited to the public"); 28 U. S. C. § 2507(b) (allowing discovery of "relevant facts, books, papers, documents or tangible things").[1] To my knowledge, no court has ever read any such provision to exclude things that don't record or preserve data; rather, all courts have adhered to the statutory language's ordinary (*i. e.*, expansive) meaning. For example, courts have understood the phrases "tangible objects" and "tangible things" in the Federal Rules of Criminal and Civil Procedure to cover everything from guns to drugs to machinery to . . . animals. See, *e. g.*, *United States* v. *Obiukwu*, 17 F. 3d 816, 819 (CA6 1994) (*per curiam*) (handgun); *United States* v. *Acarino*, 270 F. Supp. 526, 527–528 (EDNY 1967) (heroin); *In re Newman*, 782 F. 2d 971, 972–975 (CA Fed. 1986) (energy generation

[1] From Alabama and Alaska through Wisconsin and Wyoming (and trust me—in all that come between), States similarly use the terms "tangible objects" and "tangible things" in statutes and rules of all sorts. See, *e. g.*, Ala. Code § 34–17–1(3) (2010) (defining "landscape architecture" to include the design of certain "tangible objects and features"); Alaska Rule Civ. Proc. 34(a)(1) (2014) (allowing litigants to "inspect, copy, test, or sample any tangible things" that constitute or contain discoverable material); Wis. Stat. § 804.09(1) (2014) (requiring the production of "designated tangible things" in civil proceedings); Wyo. Rule Crim. Proc. 41(h) (2014) (defining "property" for purposes of a search-and-seizure statute to include "documents, books, papers and any other tangible objects").

system); *Martin* v. *Reynolds Metals Corp.*, 297 F. 2d 49, 56–57 (CA9 1961) (cattle). No surprise, then, that—until today—courts have uniformly applied the term "tangible object" in § 1519 in the same way. See, *e. g.*, *United States* v. *McRae*, 702 F. 3d 806, 834–838 (CA5 2012) (corpse); *United States* v. *Maury*, 695 F. 3d 227, 243–244 (CA3 2012) (cement mixer).

That is not necessarily the end of the matter; I agree with the plurality (really, who doesn't?) that context matters in interpreting statutes. We do not "construe the meaning of statutory terms in a vacuum." *Tyler* v. *Cain*, 533 U. S. 656, 662 (2001). Rather, we interpret particular words "in their context and with a view to their place in the overall statutory scheme." *Davis* v. *Michigan Dept. of Treasury*, 489 U. S. 803, 809 (1989). And sometimes that means, as the plurality says, that the dictionary definition of a disputed term cannot control. See, *e. g.*, *Bloate* v. *United States*, 559 U. S. 196, 205, n. 9 (2010). But this is not such an occasion, for here the text and its context point the same way. Stepping back from the words "tangible object" provides only further evidence that Congress said what it meant and meant what it said.

Begin with the way the surrounding words in § 1519 reinforce the breadth of the term at issue. Section 1519 refers to "any" tangible object, thus indicating (in line with *that* word's plain meaning) a tangible object "of whatever kind." Webster's Third New International Dictionary 97 (2002). This Court has time and again recognized that "any" has "an expansive meaning," bringing within a statute's reach *all* types of the item (here, "tangible object") to which the law refers. *Department of Housing and Urban Development* v. *Rucker*, 535 U. S. 125, 131 (2002); see, *e. g.*, *Republic of Iraq* v. *Beaty*, 556 U. S. 848, 856 (2009); *Ali* v. *Federal Bureau of Prisons*, 552 U. S. 214, 219–220 (2008). And the adjacent laundry list of verbs in § 1519 ("alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry") further

shows that Congress wrote a statute with a wide scope. Those words are supposed to ensure—just as "tangible object" is meant to—that § 1519 covers the whole world of evidence-tampering, in all its prodigious variety. See *United States* v. *Rodgers*, 466 U. S. 475, 480 (1984) (rejecting a "narrow, technical definition" of a statutory term when it "clashes strongly" with "sweeping" language in the same sentence).

Still more, "tangible object" appears as part of a three-noun phrase (including also "records" and "documents") common to evidence-tampering laws and always understood to embrace things of all kinds. The Model Penal Code's evidence-tampering section, drafted more than 50 years ago, similarly prohibits a person from "alter[ing], destroy[ing], conceal[ing] or remov[ing] any *record, document or thing*" in an effort to thwart an official investigation or proceeding. ALI, Model Penal Code § 241.7(1), p. 175 (1962) (emphasis added). The Code's commentary emphasizes that the offense described in that provision is "not limited to conduct that [alters] a written instrument." *Id.*, § 241.7, Comment 3, at 179. Rather, the language extends to "any physical object." *Ibid.* Consistent with that statement—and, of course, with ordinary meaning—courts in the more than 15 States that have laws based on the Model Code's tampering provision apply them to all tangible objects, including drugs, guns, vehicles and . . . yes, animals. See, *e. g.*, *State* v. *Majors*, 318 S. W. 3d 850, 859–861 (Tenn. 2010) (cocaine); *Puckett* v. *State*, 328 Ark. 355, 357–360, 944 S. W. 2d 111, 113–114 (1997) (gun); *State* v. *Bruno*, 236 Conn. 514, 519–520, 673 A. 2d 1117, 1122–1123 (1996) (bicycle, skeleton, blood stains); *State* v. *Crites*, 2007 Mont. Dist. LEXIS 615, *5–*7 (Dec. 21, 2007) (deer antlers). Not a one has limited the phrase's scope to objects that record or preserve information.

The words "record, document, or tangible object" in § 1519 also track language in 18 U. S. C. § 1512, the federal witness-tampering law covering (as even the plurality accepts, see

ante, at 542) physical evidence in all its forms. Section 1512, both in its original version (preceding § 1519) and today, repeatedly uses the phrase "record, document, or other object"—most notably, in a provision prohibiting the use of force or threat to induce another person to withhold any of those materials from an official proceeding. § 4(a) of the Victim and Witness Protection Act of 1982, 96 Stat. 1249, as amended, 18 U. S. C. § 1512(b)(2). That language, which itself likely derived from the Model Penal Code, encompasses no less the bloody knife than the incriminating letter, as all courts have for decades agreed. See, *e. g.*, *United States* v. *Kellington*, 217 F. 3d 1084, 1088 (CA9 2000) (boat); *United States* v. *Applewhaite*, 195 F. 3d 679, 688 (CA3 1999) (stone wall). And typically "only the most compelling evidence" will persuade this Court that Congress intended "nearly identical language" in provisions dealing with related subjects to bear different meanings. *Communications Workers* v. *Beck*, 487 U. S. 735, 754 (1988); see A. Scalia & B. Garner, Reading Law: The Interpretation of Legal Texts 252 (2012). Context thus again confirms what text indicates.

And legislative history, for those who care about it, puts extra icing on a cake already frosted. Section 1519, as the plurality notes, see *ante*, at 532, 535–536, was enacted after the Enron Corporation's collapse, as part of the Sarbanes-Oxley Act of 2002, 116 Stat. 745. But the provision began its life in a separate bill, and the drafters emphasized that Enron was "only a case study exposing the shortcomings in our current laws" relating to both "corporate and criminal" fraud. S. Rep. No. 107–146, pp. 2, 11 (2002). The primary "loophole[ ]" Congress identified, see *id.*, at 14, arose from limits in the part of § 1512 just described: That provision, as uniformly construed, prohibited a person from inducing another to destroy "record[s], document[s], or other object[s]"—of every type—but not from doing so himself. § 1512(b)(2); see *supra* this page. Congress (as even the plurality agrees, see *ante*, at 536) enacted § 1519 to close that yawning gap.

But § 1519 could fully achieve that goal only if it covered all the records, documents, and objects § 1512 did, as well as all the means of tampering with them. And so § 1519 was written to do exactly that—"to apply broadly to any acts to destroy or fabricate physical evidence," as long as performed with the requisite intent. S. Rep. No. 107–146, at 14. "When a person destroys evidence," the drafters explained, "overly technical legal distinctions should neither hinder nor prevent prosecution." *Id.*, at 7. Ah well: Congress, meet today's Court, which here invents just such a distinction with just such an effect. See *United States* v. *Philadelphia Nat. Bank*, 374 U. S. 321, 343 (1963) ("[C]reat[ing] a large loophole in a statute designed to close a loophole" is "illogical and disrespectful of . . . congressional purpose").

As Congress recognized in using a broad term, giving immunity to those who destroy non-documentary evidence has no sensible basis in penal policy. A person who hides a murder victim's body is no less culpable than one who burns the victim's diary. A fisherman, like John Yates, who dumps undersized fish to avoid a fine is no less blameworthy than one who shreds his vessel's catch log for the same reason. Congress thus treated both offenders in the same way. It understood, in enacting § 1519, that destroying evidence is destroying evidence, whether or not that evidence takes documentary form.

II

A

The plurality searches far and wide for anything—*anything*—to support its interpretation of § 1519. But its fishing expedition comes up empty.

The plurality's analysis starts with § 1519's title: "Destruction, alteration, or falsification of records in Federal investigations and bankruptcy." See *ante*, at 539; see also *ante*, at 552 (opinion of ALITO, J.). That's already a sign something is amiss. I know of no other case in which we have *begun*

our interpretation of a statute with the title, or relied on a title to override the law's clear terms. Instead, we have followed "the wise rule that the title of a statute and the heading of a section cannot limit the plain meaning of the text." *Trainmen* v. *Baltimore & Ohio R. Co.*, 331 U. S. 519, 528–529 (1947).

The reason for that "wise rule" is easy to see: A title is, almost necessarily, an abridgment. Attempting to mention every term in a statute "would often be ungainly as well as useless"; accordingly, "matters in the text . . . are frequently unreflected in the headings." *Id.*, at 528. Just last year, this Court observed that two titles in a nearby section of Sarbanes-Oxley serve as "but a short-hand reference to the general subject matter" of the provision at issue, "not meant to take the place of the detailed provisions of the text." *Lawson* v. *FMR LLC*, 571 U. S. 429, 446 (2014) (quoting *Trainmen*, 331 U. S., at 528). The "under-inclusiveness" of the headings, we stated, was "apparent." *Lawson*, 571 U. S., at 446. So too for § 1519's title, which refers to "destruction, alteration, or falsification" but *not* to mutilation, concealment, or covering up, and likewise mentions "records" but *not* other documents or objects. Presumably, the plurality would not refuse to apply § 1519 when a person only conceals evidence rather than destroying, altering, or falsifying it; instead, the plurality would say that a title is just a title, which cannot "undo or limit" more specific statutory text. *Id.*, at 447 (quoting *Trainmen*, 331 U. S., at 529). The same holds true when the evidence in question is not a "record" but something else whose destruction, alteration, etc., is intended to obstruct justice.

The plurality next tries to divine meaning from § 1519's "position within Chapter 73 of Title 18." *Ante*, at 540. But that move is yet odder than the last. As far as I can tell, this Court has never once suggested that the section number assigned to a law bears upon its meaning. Cf. Scalia, *supra*,

at xi–xvi (listing more than 50 interpretive principles and canons without mentioning the plurality's new number-in-the-Code theory). And even on its own terms, the plurality's argument is hard to fathom. The plurality claims that if § 1519 applied to objects generally, Congress would not have placed it "after the pre-existing § 1516, § 1517, and § 1518" because those are "specialized provisions." *Ante*, at 540. But search me if I can find a better place for a broad ban on evidence-tampering. The plurality seems to agree that the law properly goes in Chapter 73—the criminal code's chapter on "obstruction of justice." But the provision does not logically fit into any of that chapter's pre-existing sections. And with the first 18 numbers of the chapter already taken (starting with § 1501 and continuing through § 1518), the law naturally took the 19th place. That is standard operating procedure. Prior to the Sarbanes-Oxley Act of 2002, all of Chapter 73 was ordered chronologically: Section 1518 was later enacted than § 1517, which was later enacted than § 1516, which was . . . well, you get the idea. And after Sarbanes-Oxley, Congress has continued in the same vein. Section 1519 is thus right where you would expect it (as is the contemporaneously passed § 1520)—between § 1518 (added in 1996) and § 1521 (added in 2008).[2]

The plurality's third argument, relying on the surplusage canon, at least invokes a known tool of statutory construc-

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[2] The lonesome exception to Chapter 73's chronological order is § 1514A, added in Sarbanes-Oxley to create a civil action to protect whistleblowers. Congress decided to place that provision right after the only other section in Chapter 73 to authorize a civil action (that one to protect victims and witnesses). The plurality, seizing on the § 1514 example, says it likewise "would have made more sense for Congress to codify the substance of § 1519 within § 1512 or in a new § 1512A." *Ante*, at 541, n. 4. But § 1512 is titled "Tampering with a witness, victim, or an informant," and its provisions almost all protect witnesses from intimidation and harassment. It makes perfect sense that Congress wanted a broad ban on evidence-spoliation to stand on its own rather than as part of—or an appendage to—a witness-tampering provision.

tion—but it too comes to nothing. Says the plurality: If read naturally, § 1519 "would render superfluous" § 1512(c)(1), which Congress passed "as part of the same Act." *Ante*, at 543. But that is not so: Although the two provisions significantly overlap, each applies to conduct the other does not. The key difference between the two is that § 1519 protects the integrity of "matter[s] within the jurisdiction of any [federal] department or agency" whereas § 1512(c)(1) safeguards "official proceeding[s]" as defined in § 1515(a)(1)(A). Section 1519's language often applies more broadly than § 1512(c)(1)'s, as the plurality notes. For example, an FBI investigation counts as a matter within a federal department's jurisdiction, but falls outside the statutory definition of "official proceeding" as construed by courts. See, *e. g.*, *United States* v. *Gabriel*, 125 F. 3d 89, 105, n. 13 (CA2 1997). But conversely, § 1512(c)(1) sometimes reaches more widely than § 1519. For example, because an "official proceeding" includes any "proceeding before a judge or court of the United States," § 1512(c)(1) prohibits tampering with evidence in federal litigation between private parties. See § 1515(a)(1)(A); *United States* v. *Burge*, 711 F. 3d 803, 808–810 (CA7 2013); *United States* v. *Reich*, 479 F. 3d 179, 185–187 (CA2 2007) (Sotomayor, J.). By contrast, § 1519 wouldn't ordinarily operate in that context because a federal court isn't a "department or agency." See *Hubbard* v. *United States*, 514 U. S. 695, 715 (1995).[3]

[3] The plurality's objection to this statement is difficult to understand. It cannot take issue with *Hubbard*'s holding that "a federal court is neither a 'department' nor an 'agency' " in a statute referring, just as § 1519 does, to "any matter within the jurisdiction of any department or agency of the United States." 514 U. S., at 698, 715. So the plurality suggests that the phrase "in relation to . . . any such matter" in § 1519 somehow changes *Hubbard*'s result. See *ante*, at 542, and n. 5. But that phrase still demands that evidence-tampering relate to a "matter within the jurisdiction of any department or agency"—excluding courts, as *Hubbard* commands. That is why the federal government, as far as I can tell, has never once brought a prosecution under § 1519 for evidence-tampering in

So the surplusage canon doesn't come into play.[4] Overlap—even significant overlap—abounds in the criminal law. See *Loughrin* v. *United States*, 573 U. S. 351, 358, n. 4 (2014). This Court has never thought that of such ordinary stuff surplusage is made. See *ibid.*; *Connecticut Nat. Bank* v. *Germain*, 503 U. S. 249, 253 (1992).

And the legislative history to which the plurality appeals, see *ante*, at 536, only cuts against it because those materials show that lawmakers knew that § 1519 and § 1512(c)(1) share much common ground. Minority Leader Lott introduced the amendment that included § 1512(c)(1) (along with other criminal and corporate fraud provisions) late in the legislative process, explaining that he did so at the specific request of the President. See 148 Cong. Rec. 12509, 12512 (2002) (remarks of Sen. Lott). Not only Lott but several other Senators noted the overlap between the President's package and provisions already in the bill, most notably § 1519. See *id.*, at 12512 (remarks of Sen. Lott); *id.*, at 12513 (remarks of Sen. Biden); *id.*, at 12517 (remarks of Sens. Hatch and Gramm). The presence of both § 1519 and § 1512(c)(1) in the final Act may have reflected belt-and-suspenders caution: If § 1519 contained some flaw, § 1512(c)(1) would serve as a backstop. Or the addition of § 1512(c)(1) may have derived solely from legislators' wish "to satisfy audiences other than courts"—that is, the President and his Justice Department. Gluck & Bressman, Statutory Interpretation from the Inside, 65 Stan. L. Rev. 901, 935 (2013) (emphasis deleted). Whichever the case, Congress's consciousness of overlap between

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litigation between private parties. It instead uses § 1512(c)(1) for that purpose.

[4] Section 1512(c)(1) also applies more broadly than § 1519 in proceedings relating to insurance regulation. The term "official proceeding" in § 1512(c)(1) is defined to include "proceeding[s] involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency." § 1515(a)(1)(D). But § 1519 wouldn't usually apply in that context because state, not federal, agencies handle most insurance regulation.

the two provisions removes any conceivable reason to cast aside § 1519's ordinary meaning in service of preventing some statutory repetition.

Indeed, the inclusion of § 1512(c)(1) in Sarbanes-Oxley creates a far worse problem for the plurality's construction of § 1519 than for mine. Section 1512(c)(1) criminalizes the destruction of any "record, document, or other object"; § 1519 of any "record, document, or tangible object." On the plurality's view, one "object" is really an object, whereas the other is only an object that preserves or stores information. But "[t]he normal rule of statutory construction assumes that identical words used in different parts of the same act," passed at the same time, "are intended to have the same meaning." *Sorenson* v. *Secretary of Treasury*, 475 U. S. 851, 860 (1986) (internal quotation marks omitted). And that is especially true when the different provisions pertain to the same subject. See *supra*, at 557. The plurality doesn't—really, can't—explain why it instead interprets the same words used in two provisions of the same Act addressing the same basic problem to mean fundamentally different things.

Getting nowhere with surplusage, the plurality switches canons, hoping that *noscitur a sociis* and *ejusdem generis* will save it. See *ante*, at 543–546; see also *ante*, at 549–551 (opinion of ALITO, J.). The first of those related canons advises that words grouped in a list be given similar meanings. The second counsels that a general term following specific words embraces only things of a similar kind. According to the plurality, those Latin maxims change the English meaning of "tangible object" to only things, like records and documents, "used to record or preserve information." *Ante*, at 544.[5]

[5] The plurality seeks support for this argument in the Sentencing Commission's construction of the phrase "records, documents, or tangible objects," *ante*, at 544, but to no avail. The plurality cites a note in the Commission's Manual clarifying that this phrase, as used in the Sentencing Guidelines, "includes" various electronic information, communications, and storage devices. United States Sentencing Commission, Guidelines Man-

But understood as this Court always has, the canons have no such transformative effect on the workaday language Congress chose.

As an initial matter, this Court uses *noscitur a sociis* and *ejusdem generis* to resolve ambiguity, not create it. Those principles are "useful rule[s] of construction where words are of obscure or doubtful meaning." *Russell Motor Car Co.* v. *United States*, 261 U. S. 514, 520 (1923). But when words have a clear definition, and all other contextual clues support that meaning, the canons cannot properly defeat Congress's decision to draft broad legislation. See, *e. g.*, *Ali*, 552 U. S., at 227 (rejecting the invocation of these canons as an "attempt to create ambiguity where the statute's text and structure suggest none").

Anyway, assigning "tangible object" its ordinary meaning comports with *noscitur a sociis* and *ejusdem generis* when applied, as they should be, with attention to § 1519's subject and purpose. Those canons require identifying a common trait that links all the words in a statutory phrase. See, *e. g.*, *Graham County Soil and Water Conservation Dist.* v. *United States ex rel. Wilson*, 559 U. S. 280, 289, n. 7 (2010); *Ali*, 552 U. S., at 224–226. In responding to that demand, the plurality characterizes records and documents as things that preserve information—and so they are. But just as much, they are things that provide information, and thus potentially serve as evidence relevant to matters under review. And in a statute pertaining to obstruction of federal investigations, that evidentiary function comes to the fore. The destruction of records and documents prevents law enforcement agents from gathering facts relevant to official inquir-

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ual § 2J1.2, comment., n. 1 (Nov. 2014). But "includes" (following its ordinary definition) "is not exhaustive," as the Commission's commentary makes explicit. *Id.*, § 1B1.1, comment., n. 2. Otherwise, the Commission's construction wouldn't encompass *paper* documents. All the note does is to make plain that "records, documents, or tangible objects" embraces stuff relating to the digital (as well as the material) world.

ies. And so too does the destruction of tangible objects—of whatever kind. Whether the item is a fisherman's ledger or an undersized fish, throwing it overboard has the identical effect on the administration of justice. See *supra*, at 558. For purposes of § 1519, records, documents, and (all) tangible objects are therefore alike.

Indeed, even the plurality can't fully credit its *noscitur/ejusdem* argument. The same reasoning would apply to *every* law placing the word "object" (or "thing") after "record" and "document." But as noted earlier, such statutes are common: The phrase appears (among other places) in many state laws based on the Model Penal Code, as well as in multiple provisions of § 1512. See *supra*, at 556–558. The plurality accepts that in those laws "object" means object; its argument about superfluity positively *depends* on giving § 1512(c)(1) that broader reading. See *ante*, at 543, 546. What, then, is the difference here? The plurality proposes that some of those statutes describe less serious offenses than § 1519. See *ante*, at 547. How and why that distinction affects application of the *noscitur a sociis* and *ejusdem generis* canons is left obscure: Count it as one more of the plurality's never-before-propounded, not-readily-explained interpretive theories. See *supra*, at 558–560, 563. But in any event, that rationale cannot support the plurality's willingness to give "object" its natural meaning in § 1512, which (like § 1519) sets out felonies with penalties of up to 20 years. See §§ 1512(a)(3)(C), (b), (c). The canons, in the plurality's interpretive world, apparently switch on and off whenever convenient.

And the plurality's invocation of § 1519's verbs does nothing to buttress its canon-based argument. See *ante*, at 544–545; *ante*, at 551 (opinion of ALITO, J.). The plurality observes that § 1519 prohibits "falsif[ying]" or "mak[ing] a false entry in" a tangible object, and no one can do those things to, say, a murder weapon (or a fish). *Ante*, at 544. But of course someone can alter, destroy, mutilate, conceal, or cover

up such a tangible object, and § 1519 prohibits those actions too. The Court has never before suggested that all the verbs in a statute need to match up with all the nouns. See *Robers* v. *United States*, 572 U. S. 639, 643–644 (2014) ("[T]he law does not require legislators to write extra language specifically exempting, phrase by phrase, applications in respect to which a portion of a phrase is not needed"). And for good reason. It is exactly when Congress sets out to draft a statute broadly—to include every imaginable variation on a theme—that such mismatches will arise. To respond by narrowing the law, as the plurality does, is thus to flout both what Congress wrote and what Congress wanted.

Finally, when all else fails, the plurality invokes the rule of lenity. See *ante*, at 547–548. But even in its most robust form, that rule only kicks in when, "after all legitimate tools of interpretation have been exhausted, 'a reasonable doubt persists' regarding whether Congress has made the defendant's conduct a federal crime." *Abramski* v. *United States*, 573 U. S. 169, 204 (2014) (SCALIA, J., dissenting) (quoting *Moskal* v. *United States*, 498 U. S. 103, 108 (1990)). No such doubt lingers here. The plurality points to the breadth of § 1519, see *ante*, at 547, as though breadth were equivalent to ambiguity. It is not. Section 1519 *is* very broad. It is also very clear. Every traditional tool of statutory interpretation points in the same direction, toward "object" meaning object. Lenity offers no proper refuge from that straightforward (even though capacious) construction.[6]

[6] As part of its lenity argument, the plurality asserts that Yates did not have "fair warning" that his conduct amounted to a felony. *Ante*, at 548; see *ante*, at 547 (stating that "Yates would have had scant reason to anticipate a felony prosecution" when throwing fish overboard). But even under the plurality's view, the dumping of fish is potentially a federal felony—just under § 1512(c)(1), rather than § 1519. See *ante*, at 542. In any event, the plurality itself acknowledges that the ordinary meaning of § 1519 covers Yates's conduct, see *ante*, at 537: That provision, no less than § 1512(c)(1), announces its broad scope in the clearest possible terms. And when an ordinary citizen seeks notice of a statute's scope, he is more likely

B

The concurring opinion is a shorter, vaguer version of the plurality's. It relies primarily on the *noscitur a sociis* and *ejusdem generis* canons, tries to bolster them with § 1519's "list of verbs," and concludes with the section's title. See *supra*, at 558–559, 563–566 (addressing each of those arguments). (Notably, even the concurrence puts no stock in the plurality's section-number and superfluity claims.) From those familiar materials, the concurrence arrives at the following definition: "'tangible object' should mean something similar to records or documents." *Ante*, at 552 (opinion of ALITO, J.). In amplifying that purported guidance, the concurrence suggests applying the term "tangible object" in keeping with what "a neighbor, when asked to identify something similar to a record or document," might answer. *Ante*, at 550. "[W]ho wouldn't raise an eyebrow," the concurrence wonders, if the neighbor said "crocodile"? *Ibid.* Courts sometimes say, when explaining the Latin maxims, that the "words of a statute should be interpreted consistent with their neighbors." See, *e. g.*, *United States* v. *Locke*, 529 U. S. 89, 105 (2000). The concurrence takes that expression literally.

But § 1519's meaning should not hinge on the odd game of Mad Libs the concurrence proposes. No one reading § 1519 needs to fill in a blank after the words "records" and "documents." That is because Congress, quite helpfully, already did so—adding the term "tangible object." The issue in this case is what that term means. So if the concurrence wishes to ask its neighbor a question, I'd recommend a more pertinent one: Do you think a fish (or, if the concurrence prefers, a crocodile) is a "tangible object"? As to that query, "who wouldn't raise an eyebrow" if the neighbor said "no"?

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to focus on the plain text than (as the plurality would have it) on the section number, the superfluity principle, and the *noscitur* and *ejusdem* canons.

In insisting on its different question, the concurrence neglects the proper function of catchall phrases like "or tangible object." The reason Congress uses such terms is precisely to reach things that, in the concurrence's words, "do[ ] not spring to mind"—to my mind, to my neighbor's, or (most important) to Congress's. *Ante*, at 550 (opinion of ALITO, J.). As this Court recently explained: "[T]he whole value of a generally phrased residual [term] is that it serves as a catchall for matters not specifically contemplated—known unknowns." *Beaty*, 556 U. S., at 860. Congress realizes that in a game of free association with "record" and "document," it will never think of all the other things—including crocodiles and fish—whose destruction or alteration can (less frequently but just as effectively) thwart law enforcement. Cf. *United States* v. *Stubbs*, 11 F. 3d 632, 637–638 (CA6 1993) (dead crocodiles used as evidence to support smuggling conviction). And so Congress adds the general term "or tangible object"—again, exactly because such things "do[ ] not spring to mind."[7]

The concurrence suggests that the term "tangible object" serves not as a catchall for physical evidence but to "ensure beyond question" that e-mails and other electronic files fall within § 1519's compass. *Ante*, at 550. But that claim is eyebrow-raising in its own right. Would a Congress wishing to make certain that § 1519 applies to e-mails add the phrase "tangible object" (as opposed, say, to "electronic communications")? Would a judge or jury member predictably find that "tangible object" encompasses something as virtual as e-mail (as compared, say, with something as real as a fish)?

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[7] The concurrence contends that when the *noscitur* and *ejusdem* canons are in play, " 'known unknowns' should be similar to known knowns, *i. e.*, here, records and documents." *Ante*, at 551. But as noted above, records and documents *are* similar to crocodiles and fish as far as § 1519 is concerned: All are potentially useful as evidence in an investigation. See *supra*, at 564–565. The concurrence never explains why *that* similarity isn't the relevant one in a statute aimed at evidence-tampering.

If not (and the answer is not), then that term cannot function as a failsafe for e-mails.

The concurrence acknowledges that no one of its arguments can carry the day; rather, it takes the Latin canons plus § 1519's verbs plus § 1519's title to "tip the case" for Yates. *Ante*, at 549. But the sum total of three mistaken arguments is . . . three mistaken arguments. They do not get better in the combining. And so the concurrence ends up right where the plurality does, except that the concurrence, eschewing the rule of lenity, has nothing to fall back on.

III

If none of the traditional tools of statutory interpretation can produce today's result, then what accounts for it? The plurality offers a clue when it emphasizes the disproportionate penalties § 1519 imposes if the law is read broadly. See *ante*, at 546–547. Section 1519, the plurality objects, would then "expose[ ] individuals to 20-year prison sentences for tampering with *any* physical object that *might* have evidentiary value in *any* federal investigation into *any* offense." *Ante*, at 548. That brings to the surface the real issue: overcriminalization and excessive punishment in the U. S. Code.

Now as to this statute, I think the plurality somewhat—though only somewhat—exaggerates the matter. The plurality omits from its description of § 1519 the requirement that a person act "knowingly" and with "the intent to impede, obstruct, or influence" federal law enforcement. And in highlighting § 1519's maximum penalty, the plurality glosses over the absence of any prescribed minimum. (Let's not forget that Yates's sentence was not 20 years, but 30 days.) Congress presumably enacts laws with high maximums and no minimums when it thinks the prohibited conduct may run the gamut from major to minor. That is assuredly true of acts obstructing justice. Compare this case with the following, all of which properly come within, but now fall outside, § 1519: *McRae*, 702 F. 3d, at 834–838 (burn-

ing human body to thwart murder investigation); *Maury*, 695 F. 3d, at 243–244 (altering cement mixer to impede inquiry into amputation of employee's fingers); *United States* v. *Natal*, 2014 U. S. Dist. LEXIS 108852, *24–*26 (D Conn., Aug. 7, 2014) (repainting van to cover up evidence of fatal arson). Most district judges, as Congress knows, will recognize differences between such cases and prosecutions like this one, and will try to make the punishment fit the crime. Still and all, I tend to think, for the reasons the plurality gives, that § 1519 is a bad law—too broad and undifferentiated, with too-high maximum penalties, which give prosecutors too much leverage and sentencers too much discretion. And I'd go further: In those ways, § 1519 is unfortunately not an outlier, but an emblem of a deeper pathology in the federal criminal code.

But whatever the wisdom or folly of § 1519, this Court does not get to rewrite the law. "Resolution of the pros and cons of whether a statute should sweep broadly or narrowly is for Congress." *Rodgers*, 466 U. S., at 484. If judges disagree with Congress's choice, we are perfectly entitled to say so—in lectures, in law review articles, and even in dicta. But we are not entitled to replace the statute Congress enacted with an alternative of our own design.

I respectfully dissent.

Reporter's Note

The next page is purposely numbered 801. The numbers between 570 and 801 were intentionally omitted, in order to make it possible to publish the orders with *permanent* page numbers, thus making the official citations available upon publication of the preliminary prints of the United States Reports.

ORDERS FOR OCTOBER 6, 2014, THROUGH
MARCH 2, 2015

OCTOBER 6, 2014

Appeal Dismissed

No. 13–1461. BACKUS ET AL. *v.* SOUTH CAROLINA ET AL. Appeal from D. C. S. C. dismissed for want of jurisdiction.

Certiorari Granted—Reversed and Remanded. (See No. 13–946, *ante*, p. 1.)

Certiorari Granted—Vacated and Remanded

No. 13–10522. HATCHER *v.* UNITED STATES. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Paroline* v. *United States*, 572 U. S. 434 (2014). Reported below: 559 Fed. Appx. 300.

No. 13–10790. HALIBURTON *v.* FLORIDA. Sup. Ct. Fla. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Hall* v. *Florida*, 572 U. S. 701 (2014). Reported below: 123 So. 3d 1146.

Certiorari Dismissed

No. 13–10000. HARRISON *v.* WOODWARD ET AL. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 538 Fed. Appx. 300.

No. 13–10098. JONES *v.* UNITED STATES POSTAL SERVICE. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 540 Fed. Appx. 462.

No. 13–10219. RODRIGUEZ *v.* COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, ET AL. C. A. 9th Cir. Mo-

tion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 13–10244. GRIFFIN *v.* AUTERSON. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*). Reported below: 547 Fed. Appx. 785.

No. 13–10302. DARNELL *v.* TEXAS. Ct. Crim. App. Tex. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*).

No. 13–10335. BACON *v.* REYES ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*).

No. 13–10356. SCHMIDT *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 13–10360. GRIFFIN *v.* LONGLEY, WARDEN. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 548 Fed. Appx. 146.

No. 13–10370. WARD *v.* STODDARD, WARDEN, ET AL. Ct. App. Mich. Motion of petitioner for leave to proceed *in forma pau-*

peris denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 13–10372. SANDRES *v.* LOUISIANA DIVISION OF ADMINISTRATION, OFFICE OF RISK MANAGEMENT. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 551 Fed. Appx. 95.

No. 13–10375. MCCREARY *v.* SANDOVAL ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 563 Fed. Appx. 575.

No. 13–10404. OGEONE *v.* NACINO, JUDGE. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 13–10432. WILLIAMS *v.* DAY ET AL. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 552 Fed. Appx. 272.

No. 13–10493. JENNINGS *v.* HAGEL, SECRETARY OF DEFENSE. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 558 Fed. Appx. 661.

No. 13–10526. JONES *v.* HODGE. Sup. Ct. Ill. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*).

No. 13–10658. CASTILLO *v.* LOUISIANA (two judgments). Sup. Ct. La. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*). Reported below: 2013–1668 (La. 12/16/13), 129 So. 3d 533 (first judgment); 2013–1784 (La. 12/6/13), 129 So. 3d 533 (second judgment).

No. 13–10706. FLUKER *v.* ST. PATRA. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 13–10710. AJAJ *v.* FEDERAL BUREAU OF PRISONS ET AL. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*). Reported below: 561 Fed. Appx. 657.

No. 13–10719. WATKINS *v.* HAYNES, WARDEN, ET AL. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 13–10751. HONESTO *v.* CALIFORNIA. Sup. Ct. Cal. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*).

No. 13–10753. ISBY-ISRAEL *v.* YOUNG, JUDGE, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA, ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–5001. RENDELMAN *v.* UNITED STATES. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–5018. THORNTON *v.* ZICKEFOOSE, WARDEN, ET AL. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–5132. SMITH *v.* IDAHO. Ct. App. Idaho. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*). JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition.

No. 14–5242. TONEY *v.* UNITED STATES. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–5382. BAXTER *v.* UNITED STATES. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition. Reported below: 566 Fed. Appx. 830.

No. 14–5494. HERNANDEZ *v.* UNITED STATES. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 559 Fed. Appx. 211.

No. 14–5527. AL GHASHIYAN (KHAN) *v.* HINES. Ct. App. Wis. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*).

No. 14–5840. O'CONNOR *v.* VIRGINIA. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*). Reported below: 572 Fed. Appx. 252.

No. 14–6000. HAWKINS *v.* UNITED STATES. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 14A39. MOORE *v.* UNITED STATES. Application for certificate of appealability, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. 14A219 (13–10717). GRADY *v.* UNITED STATES. C. A. 7th Cir. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. D–2771. IN RE DISBARMENT OF BARAKAT. Disbarment entered. [For earlier order herein, see 572 U. S. 1147.]

No. D–2777. IN RE DISBARMENT OF NOSAL. Disbarment entered. [For earlier order herein, see 573 U. S. 902.]

No. D–2813. IN RE DISCIPLINE OF MONGELLI. Joseph Thomas Mongelli, of Wayne, N. J., 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.

No. D–2814. IN RE DISCIPLINE OF TARSHIS. Steven Louis Tarshis, of Newburgh, N. Y., 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.

No. D–2815. IN RE DISCIPLINE OF SPECTOR. Neal Stuart Spector, of New York, N. Y., 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.

No. 14M1. VO *v.* CASH, WARDEN;

No. 14M2. Wood *v.* United States;

No. 14M3. Ali *v.* Samuels, Director, Federal Bureau of Prisons, et al.;

No. 14M4. Ross *v.* David et al.;

No. 14M5. Thomas *v.* Andressen et al.;

No. 14M6. Moore *v.* Harris et al.;

No. 14M11. Lane *v.* State Bar of California;

No. 14M12. Agim *v.* Holder, Attorney General;

No. 14M16. Banks *v.* First Judicial District;

No. 14M17. Roseboro *v.* Comporium Communications et al.;

No. 14M18. Grimes *v.* Miami-Dade County, Florida;

No. 14M20. Phelps *v.* Hill, Warden;

No. 14M22. Tathagat *v.* Gupta;

No. 14M25. Brown *v.* State Bar of California;

No. 14M26. Cohens *v.* McDonald, Secretary of Veterans Affairs;

No. 14M28. Guzman Zuniga *v.* Stephens, Director, Texas Department of Criminal Justice, Correctional Institutions Division;

No. 14M30. Dierickx *v.* Butz Dunn & Desantis;

No. 14M32. Sanchez *v.* Missouri; and

No. 14M33. Williams *v.* Stephens, Director, Texas Department of Criminal Justice, Correctional Institutions Division. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 14M7. I. R. E. *v.* Florida Board of Bar Examiners. Motion for leave to file petition for writ of certiorari with appendix under seal granted.

No. 14M8. Shushean Wong *v.* Massachusetts Department of Social Services et al. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 14M9. Alazzam *v.* United States;

No. 14M14. Corporation et al. *v.* United States; and

No. 14M15. Pujiang Talent Diamond Tools Co., Ltd. *v.* United States. Motions for leave to file petitions for writs of certiorari with supplemental appendixes under seal granted.

No. 14M10. Arroyo *v.* Federal Deposit Insurance Corporation et al.;

No. 14M19. WHITE *v.* DELOITTE & TOUCHE ET AL.;

No. 14M24. VELEANU *v.* SCHNEIDERMAN, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF NEW YORK, ET AL.; and

No. 14M29. WEBSTER *v.* UNITED STATES ET AL. Motions for leave to proceed as veterans denied.

No. 14M13. BURROUGHS *v.* DEPARTMENT OF THE ARMY. Motion for leave to proceed as a veteran granted.

No. 14M21. AL-MAQALEH ET AL. *v.* HAGEL, SECRETARY OF DEFENSE, ET AL. Motion for leave to proceed *in forma pauperis* without affidavits of indigency executed by petitioners granted. JUSTICE KAGAN took no part in the consideration or decision of this motion.

No. 14M23. NATALIE D., A MINOR, ET AL. *v.* KOUWABUNPAT. Motion for leave to proceed *in forma pauperis* without affidavits of indigency executed by petitioners granted.

No. 14M27. BARON *v.* NOVO POINT LLC ET AL. Motion to direct the Clerk to file cross-petition for writ of certiorari out of time denied.

No. 14M31. CURRY *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 65, Orig. TEXAS *v.* NEW MEXICO. Motion of the River Master for fees and expenses granted, and the River Master is awarded a total of $8,455.87 for the period July 1, 2013, through June 30, 2014, to be paid equally by the parties. [For earlier order herein, see, *e. g.*, 571 U. S. 808.]

No. 12–1497. KELLOGG BROWN & ROOT SERVICES, INC., ET AL. *v.* UNITED STATES EX REL. CARTER. C. A. 4th Cir. [Certiorari granted, 573 U. S. 957.] Motion of petitioners for leave to file volume II of the joint appendix under seal granted.

No. 13–1305. COVENTRY HEALTH CARE OF MISSOURI, INC., FKA GROUP HEALTH PLAN, INC., ET AL. *v.* NEVILS. Sup. Ct. Mo.;

No. 13–1339. SPOKEO, INC. *v.* ROBINS. C. A. 9th Cir.;

No. 13–1379. ATHENA COSMETICS, INC. *v.* ALLERGAN, INC., ET AL. C. A. Fed. Cir.;

No. 13–1467. AETNA LIFE INSURANCE CO. *v.* KOBOLD. Ct. App. Ariz.;

No. 13–1496. DOLLAR GENERAL CORP. ET AL. *v.* MISSISSIPPI BAND OF CHOCTAW INDIANS ET AL. C. A. 5th Cir.; and

No. 13–1547. RIDLEY SCHOOL DISTRICT *v.* M. R. ET AL., AS PARENTS OF E. R., A MINOR. C. A. 3d Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 13–9604. NIXON *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [573 U. S. 914] denied.

No. 13–9651. DOWDY *v.* UNITED STATES. C. A. 8th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [572 U. S. 1112] denied.

No. 13–9734. YOUNGBLOOD *v.* KIM. C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [573 U. S. 929] denied.

No. 13–9816. JONES *v.* UNITED STATES POSTAL SERVICE. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [573 U. S. 914] denied.

No. 13–9818. WARD *v.* MICHIGAN PAROLE BOARD. Sup. Ct. Mich. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [573 U. S. 901] denied.

No. 13–9881. NIXON *v.* GOLDMAN SACHS MORTGAGE CORP. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [573 U. S. 943] denied.

No. 13–10094. ALZAWAHRA *v.* ALBANY MEDICAL CENTER ET AL. C. A. 2d Cir.;

No. 13–10125. ALESHIRE *v.* HARRIS, N. A. C. A. 7th Cir.;

No. 13–10187. HARTMAN *v.* BANK OF NEW YORK MELLON ET AL. C. A. 3d Cir.;

No. 13–10357. HUDSON *v.* UNITED STATES. C. A. 5th Cir.;

No. 13–10369. FIGUEROA *v.* DEUTSCHE BANK NATIONAL TRUST CO. C. A. 4th Cir.;

No. 13–10440. CLOKE *v.* YEGGY ET AL. C. A. 6th Cir.;

No. 13–10442. CLAYTON *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir.;

No. 13–10456. MITCHELL *v.* DONAHOE, POSTMASTER GENERAL, ET AL. C. A. 9th Cir.;

No. 13–10477. HIMCHAK *v.* PENNSYLVANIA. Sup. Ct. Pa.;

No. 13–10514. SMITH *v.* MONTGOMERY COUNTY SHERIFF'S OFFICE ET AL. C. A. 6th Cir.;

No. 13–10574. VIOLA *v.* UNITED STATES. C. A. 2d Cir.;

No. 13–10577. OGLE *v.* OHIO. Ct. App. Ohio, 4th App. Dist., Hocking County;

No. 13–10594. YAN SUI *v.* PRICE ET AL. App. Div., Super. Ct. Cal., Orange County;

No. 13–10635. DAVIS *v.* DONAHOE, POSTMASTER GENERAL. C. A. 11th Cir.;

No. 13–10651. JONES *v.* CITY OF NEW YORK, NEW YORK, ET AL. C. A. 2d Cir.;

No. 13–10683. MCNEIL *v.* MCNEIL. Ct. Sp. App. Md.;

No. 13–10695. HUBBARD *v.* ST. LOUIS PSYCHIATRIC REHABILITATION CENTER ET AL. C. A. 8th Cir.

No. 13–10803. PADILLA *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 2d Cir.;

No. 14–5024. HIRSCH *v.* VERMONT BOARD OF BAR EXAMINERS. Sup. Ct. Vt.;

No. 14–5045. HAASE *v.* PEARL RIVER POLYMERS, INC., ET AL. C. A. Fed. Cir.;

No. 14–5069. HARRIS *v.* CHANGE, INC. C. A. Fed. Cir.;

No. 14–5072. BISHOP ET UX. *v.* UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE. C. A. 3d Cir.;

No. 14–5078. BRENT *v.* WENK ET AL. C. A. 6th Cir.;

No. 14–5092. TUCCIO *v.* U. S. SECURITY ASSOCIATES, INC. C. A. 2d Cir.;

No. 14–5095. WATKINS *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir.;

No. 14–5113. MCNEIL *v.* FEDERAL NETWORK SYSTEMS, LLC. C. A. 4th Cir.;

No. 14–5135. EDGE *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir.;

No. 14–5142. ASHMORE *v.* ASHMORE. Ct. App. N. Y.;

No. 14–5193. KHAMATI *v.* LEW, SECRETARY OF THE TREASURY. C. A. 6th Cir.;

No. 14–5295. TORKORNOO *v.* TORKORNOO. Ct. Sp. App. Md.;

No. 14–5334. PEGO *v.* UNITED STATES. C. A. 6th Cir.;

No. 14–5337. HEREDIA *v.* MARTEL, WARDEN. C. A. 9th Cir.;

No. 14–5338. MCLAIN *v.* UNITED STATES. C. A. 8th Cir.;

No. 14–5366. MARTIN *v.* UTTECHT, SUPERINTENDENT, COYOTE RIDGE CORRECTIONS CENTER. C. A. 9th Cir.;

No. 14–5399. TILLOTSON *v.* MCCOY. C. A. 10th Cir.;

No. 14–5403. WHITBY *v.* OFFICE OF PERSONNEL MANAGEMENT. C. A. Fed. Cir.;

No. 14–5433. FLETCHER *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 4th Cir.;

No. 14–5450. FLORES *v.* UNITED STATES. C. A. 5th Cir.;

No. 14–5593. YAN SUI ET AL. *v.* 2176 PACIFIC HOMEOWNERS ASSN. ET AL. C. A. 9th Cir.;

No. 14–5624. NAJARRO-RAMIREZ *v.* HOLDER, ATTORNEY GENERAL. C. A. 8th Cir.;

No. 14–5644. HAASE *v.* PATENT AND TRADEMARK OFFICE. C. A. Fed. Cir.;

No. 14–5705. MILLER *v.* CAROLINAS HEALTHCARE SYSTEM. C. A. 4th Cir.;

No. 14–5706. ZINNI ET VIR *v.* M&I MARSHALL & ISLEY BANK ET AL. C. A. 9th Cir.; and

No. 14–5850. FOOTE *v.* MONIZ, SECRETARY OF ENERGY. C. A. D. C. Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until October 27, 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.

No. 13–10188. IN RE HARTMAN. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [573 U. S. 930] denied.

No. 14–5122. CHENG *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 1. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until October 27, 2014, 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. JUSTICE ALITO took no part in the consideration or decision of this motion.

No. 14–5172. BELJAKOVIC *v.* MELOHN PROPERTIES, INC. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until October 27, 2014, 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. JUSTICE SOTOMAYOR took no part in the consideration or decision of this motion

No. 14–5179. IN RE HUSBAND. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until October 27, 2014, 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. JUSTICE KAGAN took no part in the consideration or decision of this motion.

No. 13–10509. IN RE KINDLE;
No. 13–10510. IN RE WILSON;
No. 13–10565. IN RE MENDEZ CONTRERAS;
No. 13–10576. IN RE D'ANGELO;
No. 13–10732. IN RE COUCH;
No. 13–10744. IN RE GAFFNEY;
No. 13–10759. IN RE BONDS;
No. 13–10804. IN RE MEDINA;
No. 14–5086. IN RE ESTRADA;
No. 14–5087. IN RE BROCK;
No. 14–5181. IN RE HEADEN;
No. 14–5237. IN RE GRINNELL;
No. 14–5300. IN RE RODRIGUEZ;
No. 14–5311. IN RE SURLES;
No. 14–5320. IN RE MARTENS;
No. 14–5390. IN RE HARDY;
No. 14–5502. IN RE SMITH;
No. 14–5532. IN RE HAWKINS;
No. 14–5586. IN RE DUDLEY-BEY;
No. 14–5731. IN RE BRADLEY;
No. 14–5975. IN RE ANDERSON; and
No. 14–6079. IN RE BAILEY. Petitions for writs of habeas corpus denied.

No. 13–10657. IN RE BERRY. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court's Rule 39.8. As 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*).

No. 13–1353. In re Ozinal;
No. 13–1498. In re Del Rio;
No. 13–1515. In re Klayman;
No. 13–1542. In re Tabb;
No. 13–9904. In re Robinson;
No. 13–10023. In re R. D.;
No. 13–10343. In re Leffebre;
No. 13–10693. In re Taylor;
No. 14–54. In re Gladney;
No. 14–5090. In re Haynes; and
No. 14–5562. In re Gallardo. Petitions for writs of mandamus denied.

No. 13–10702. In re Hien Anh Dao. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court's Rule 39.8. As 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*).

No. 14–5402. In re Wynter. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court's Rule 39.8.

No. 13–9966. In re Akers; and
No. 14–5023. In re Gregory. Petitions for writs of mandamus and/or prohibition denied.

No. 13–10634. In re Davis; and
No. 14–5411. In re Shepard. Petitions for writs of prohibition denied.

Certiorari Denied

No. 13–254. Runyon *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 707 F. 3d 475.

No. 13–791. MOORES ET AL. *v.* HILDES, INDIVIDUALLY AND AS TRUSTEE OF THE DAVID AND KATHLEEN HILDES 1999 CHARITABLE REMAINDER UNITRUST DATED JUNE 25, 1999. C. A. 9th Cir. Certiorari denied. Reported below: 734 F. 3d 854.

No. 13–1049. YOWELL *v.* ABBEY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 532 Fed. Appx. 708.

No. 13–1055. BRANTLEY *v.* BANKS ET AL. Sup. Ct. S. C. Certiorari denied. Reported below: 406 S. C. 156, 750 S. E. 2d 605.

No. 13–1059. ORTEGA *v.* IMMIGRATION AND CUSTOMS ENFORCEMENT ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 737 F. 3d 435.

No. 13–1102. ALGER *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 2. Certiorari denied.

No. 13–1125. MEHANNA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 735 F. 3d 32.

No. 13–1129. TURNER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 720 F. 3d 411.

No. 13–1153. DEEMER *v.* BEARD ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 557 Fed. Appx. 162.

No. 13–1216. MISSOURI GAS ENERGY ET AL. *v.* KANSAS DIVISION OF PROPERTY VALUATION. Sup. Ct. Kan. Certiorari denied. Reported below: 298 Kan. 439, 313 P. 3d 789.

No. 13–1221. WILLIAMS *v.* HASTINGS, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 713 F. 3d 1332.

No. 13–1232. LYNCH ET AL. *v.* ALABAMA ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 739 F. 3d 1273.

No. 13–1235. UTILITY AIR REGULATORY GROUP *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 744 F. 3d 1334.

No. 13–1236. UNITED STATES EX REL. GE *v.* TAKEDA PHARMACEUTICAL CO. LTD. ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 737 F. 3d 116.

No. 13–1239. U. S. Security Associates, Inc. *v.* Abdullah, Individually and on Behalf of All Others Similarly Situated. C. A. 9th Cir. Certiorari denied. Reported below: 731 F. 3d 952.

No. 13–1249. Sanchez, Individually and as Administrator of the Estate of Sanchez *v.* United States. C. A. 1st Cir. Certiorari denied. Reported below: 740 F. 3d 47.

No. 13–1251. Pronova BioPharma Norge AS *v.* Teva Pharmaceuticals USA, Inc., et al. C. A. Fed. Cir. Certiorari denied. Reported below: 549 Fed. Appx. 934.

No. 13–1252. Estate of Barabin et al. *v.* AstenJohnson, Inc., et al. C. A. 9th Cir. Certiorari denied. Reported below: 740 F. 3d 457.

No. 13–1255. Petroliam Nasional Berhad *v.* GoDaddy.com, Inc. C. A. 9th Cir. Certiorari denied. Reported below: 737 F. 3d 546.

No. 13–1256. Rosenbaum et al. *v.* White et al. C. A. 7th Cir. Certiorari denied.

No. 13–1261. F. H.-T. *v.* Holder, Attorney General. C. A. 7th Cir. Certiorari denied. Reported below: 723 F. 3d 833.

No. 13–1268. Dize, as Personal Representative of the Estate of Dize *v.* Association of Maryland Pilots. Ct. App. Md. Certiorari denied. Reported below: 435 Md. 150, 77 A. 3d 1016.

No. 13–1269. WorldCom, Inc. *v.* Internal Revenue Service. C. A. 2d Cir. Certiorari denied. Reported below: 723 F. 3d 346.

No. 13–1271. Herb Reed Enterprises, LLC *v.* Florida Entertainment Management, Inc., et al. C. A. 9th Cir. Certiorari denied. Reported below: 736 F. 3d 1239.

No. 13–1273. Leyse *v.* Clear Channel Broadcasting, Inc., et al. C. A. 6th Cir. Certiorari denied. Reported below: 545 Fed. Appx. 444.

No. 13–1282. Knapp *v.* Hogan et al. C. A. 9th Cir. Certiorari denied. Reported below: 738 F. 3d 1106.

No. 13–1284. MISSISSIPPI DEPARTMENT OF HEALTH *v.* BROWN; and

No. 13–1343. BROWN *v.* MISSISSIPPI DEPARTMENT OF HEALTH. C. A. 5th Cir. Certiorari denied. Reported below: 550 Fed. Appx. 228.

No. 13–1285. GONSALVEZ ET AL. *v.* CELEBRITY CRUISES, INC. C. A. 11th Cir. Certiorari denied. Reported below: 750 F. 3d 1195.

No. 13–1298. TEAMSTERS LOCAL UNION NO. 705 ET AL. *v.* BURLINGTON NORTHERN SANTA FE ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 741 F. 3d 819.

No. 13–1299. ADVANCED BIOLOGICAL LABORATORIES, SA, ET AL. *v.* SMARTGENE, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 555 Fed. Appx. 950.

No. 13–1301. PIERRE *v.* HOLDER, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied. Reported below: 738 F. 3d 39.

No. 13–1304. TAYLOR *v.* PELUSI ET AL. Super. Ct. Pa. Certiorari denied.

No. 13–1306. WEST VIRGINIA EX REL. U-HAUL CO. OF WEST VIRGINIA *v.* ZAKAIB, JUDGE, CIRCUIT COURT OF WEST VIRGINIA, KANAWHA COUNTY, ET AL. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 232 W. Va. 432, 752 S. E. 2d 586.

No. 13–1311. FRESHWATER *v.* MOUNT VERNON CITY SCHOOL DISTRICT BOARD OF EDUCATION. Sup. Ct. Ohio. Certiorari denied. Reported below: 137 Ohio St. 3d 469, 2013-Ohio-5000, 1 N. E. 3d 335.

No. 13–1319. LOCKERBY *v.* PIMA COUNTY, ARIZONA, ET AL. Ct. App. Ariz. Certiorari denied.

No. 13–1323. SIEGEL, ADMINISTRATOR OF THE ESTATE OF AKKAD, DECEASED, ET AL. *v.* GLOBAL HYATT CORP. ET AL. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2013 IL App (1st) 112832–U.

No. 13–1327. HOWARD *v.* BNSF RAILWAY CO. Ct. App. Ore. Certiorari denied. Reported below: 258 Ore. App. 208, 309 P. 3d 1103.

No. 13–1335. HARIGNORDOQUY *v.* BARLOW. Sup. Ct. Wyo. Certiorari denied. Reported below: 2013 WY 149, 313 P. 3d 1265.

No. 13–1337. ALBERTI *v.* CARLO-IZQUIERDO ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 548 Fed. Appx. 625.

No. 13–1341. MARKESON *v.* PAYNE. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 414 S. W. 3d 530.

No. 13–1342. MIDDLETON *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 727 F. 3d 1172.

No. 13–1345. BISHOP *v.* HUMPHREY, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 726 F. 3d 1243.

No. 13–1346. XUN XING LIANG *v.* HOLDER, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied. Reported below: 535 Fed. Appx. 62.

No. 13–1349. PUIATTI *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 732 F. 3d 1255.

No. 13–1356. DOWNS *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 738 F. 3d 240.

No. 13–1359. HOCKER *v.* PIKEVILLE CITY POLICE DEPARTMENT ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 738 F. 3d 150.

No. 13–1362. BERA *v.* HOLDER, ATTORNEY GENERAL. C. A. 3d Cir. Certiorari denied. Reported below: 555 Fed. Appx. 129.

No. 13–1365. KLAYMAN *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA. C. A. D. C. Cir. Certiorari denied.

No. 13–1367. ASHLEY FURNITURE INDUSTRIES, INC., ET AL. *v.* UNITED STATES ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 734 F. 3d 1306.

No. 13–1368. WELLS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 739 F. 3d 511.

No. 13–1370. WALLACE *v.* WALLACE. C. A. 8th Cir. Certiorari denied. Reported below: 736 F. 3d 764.

No. 13–1373. NATURAL CHEM HOLDINGS, LLC *v.* NEW ENERGY CORP. ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 739 F. 3d 1077.

No. 13–1375. WHITE-ROBINSON ET AL. *v.* DEVELOPERS DIVERSIFIED REALTY. C. A. 5th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 121.

No. 13–1376. CHAFIN *v.* CHAFIN. C. A. 11th Cir. Certiorari denied. Reported below: 742 F. 3d 934.

No. 13–1380. DOE ET AL. *v.* ZEDILLO PONCE DE LEON. C. A. 2d Cir. Certiorari denied. Reported below: 555 Fed. Appx. 84.

No. 13–1383. JAEGER *v.* CELLCO PARTNERSHIP, DBA VERIZON WIRELESS, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 542 Fed. Appx. 78.

No. 13–1384. BIG ROCK INVESTORS ASSN. *v.* BIG ROCK PETROLEUM, INC., ET AL. Ct. App. Tex., 2d Dist. Certiorari denied. Reported below: 409 S. W. 3d 845.

No. 13–1385. WILD HORSE OBSERVERS ASSN. ET AL. *v.* JEWELL, SECRETARY OF THE INTERIOR, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 550 Fed. Appx. 638.

No. 13–1389. BURKART ET UX. *v.* MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 660.

No. 13–1390. RUSSELL *v.* CITY OF DALLAS, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 465.

No. 13–1393. GREEN *v.* UNITED STATES STEEL CORP. C. A. 11th Cir. Certiorari denied. Reported below: 550 Fed. Appx. 773.

No. 13–1395. DONKIN ET AL., AS SUCCESSOR TRUSTEES OF THE DONKIN FAMILY TRUST *v.* DONKIN ET AL. Sup. Ct. Cal. Certiorari denied. Reported below: 58 Cal. 4th 412, 314 P. 3d 780.

No. 13–1396. CARTER ET AL. *v.* CITY OF MILWAUKEE, WISCONSIN, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 743 F. 3d 540.

No. 13–1399. GOSSELIN WORLD WIDE MOVING ET AL. *v.* UNITED STATES EX REL. BUNK ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 741 F. 3d 390.

No. 13–1401. LIGHTFOOT *v.* TEXAS. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 13–1403. BENNETT *v.* CSX TRANSPORTATION, INC. C. A. 4th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 222.

No. 13–1408. KENNON *v.* UNITED STATES ET AL. C. A. 5th Cir. Certiorari denied.

No. 13–1410. CORDOVA-SOTO *v.* HOLDER, ATTORNEY GENERAL. C. A. 7th Cir. Certiorari denied. Reported below: 732 F. 3d 789.

No. 13–1411. UNITED STATES EX REL. ROSTHOLDER *v.* OMNICARE, INC., ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 745 F. 3d 694.

No. 13–1413. BRANCH BANKING & TRUST CO., AS SUCCESSOR IN INTEREST TO THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF COLONIAL BANK, N. A. *v.* R & S ST. ROSE LENDERS, LLC, ET AL. Sup. Ct. Nev. Certiorari denied. Reported below: 129 Nev. 1146.

No. 13–1414. LEONARD *v.* RETAILER'S CREDIT ASSOCIATION OF GRASS VALLEY, INC. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 13–1417. GARMONG *v.* CHAPTER 7 TRUSTEE ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 661.

No. 13–1418. GARMONG *v.* SILVERMAN, DECARIA & KATTELMAN, CHTD. Sup. Ct. Nev. Certiorari denied. Reported below: 129 Nev. 1116.

No. 13–1420. D. M. ET UX. *v.* C. M. H. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2013–1477 (La. App. 1 Cir. 12/27/13).

No. 13–1422. AYERS *v.* KENTUCKY. Sup. Ct. Ky. Certiorari denied. Reported below: 435 S. W. 3d 625.

No. 13–1426. ROSS *v.* FEDERAL TRADE COMMISSION. C. A. 4th Cir. Certiorari denied. Reported below: 743 F. 3d 886.

No. 13–1427. GIBBS *v.* GEORGIA. Ct. App. Ga. Certiorari denied. Reported below: 322 Ga. App. XXV.

No. 13–1429. CHIVAS RETAIL PARTNERS, LLC, ET AL. *v.* INLAND MORTGAGE CAPITAL CORP. C. A. 7th Cir. Certiorari denied. Reported below: 740 F. 3d 1146.

No. 13–1430. CORRIGAN *v.* KRON ET AL. C. A. 9th Cir. Certiorari denied.

No. 13–1431. KIGHT *v.* R. R. DONNELLEY & SONS CO., FKA IPD PRINTING CO. C. A. 11th Cir. Certiorari denied. Reported below: 522 Fed. Appx. 849.

No. 13–1432. BERMAN *v.* KAFKA ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 518 Fed. Appx. 783.

No. 13–1434. RILEY *v.* METROPOLITAN LIFE INSURANCE CO., DBA METLIFE. C. A. 1st Cir. Certiorari denied. Reported below: 744 F. 3d 241.

No. 13–1435. DOUROS *v.* PENNSYLVANIA. Commw. Ct. Pa. Certiorari denied. Reported below: 72 A. 3d 329.

No. 13–1436. HERRERA *v.* TEXAS. Ct. App. Tex., 8th Dist. Certiorari denied.

No. 13–1438. CARTER *v.* BROOMS. C. A. 9th Cir. Certiorari denied. Reported below: 520 Fed. Appx. 569.

No. 13–1440. FINCH *v.* UNITED STATES. C. A. Armed Forces. Certiorari denied. Reported below: 73 M. J. 144.

No. 13–1441. CITY OF INDIANAPOLIS, INDIANA *v.* ANNEX BOOKS, INC., ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 740 F. 3d 1136.

No. 13–1442. FREEMAN ET AL. *v.* DIRECTOR OF THE NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL. C. A. 3d Cir. Certiorari denied.

No. 13–1444. KALYANARAM *v.* NEW YORK INSTITUTE OF TECHNOLOGY. C. A. 2d Cir. Certiorari denied. Reported below: 549 Fed. Appx. 11.

No. 13–1445. DOWNER ET AL. *v.* ROYAL CARIBBEAN CRUISES, LTD. C. A. 11th Cir. Certiorari denied. Reported below: 549 Fed. Appx. 861.

No. 13–1446. HASAN *v.* DEPARTMENT OF LABOR. C. A. 3d Cir. Certiorari denied. Reported below: 553 Fed. Appx. 135.

No. 13–1447. MARCUSSEN *v.* BURWELL, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. C. A. 9th Cir. Certiorari denied.

No. 13–1448. HEATH *v.* JUSTICES OF SUPREME COURT, NEW YORK COUNTY, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 550 Fed. Appx. 64.

No. 13–1449. WELBORN, CLERK OF COURT OF 19TH JUDICIAL DISTRICT FOR THE PARISH OF EAST BATON ROUGE, LOUISIANA, ET AL. *v.* BANK OF NEW YORK MELLON CORP. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 383.

No. 13–1450. WILLIAMS-BOLDWARE *v.* DENTON COUNTY, TEXAS. C. A. 5th Cir. Certiorari denied. Reported below: 741 F. 3d 635.

No. 13–1451. ARTHUR *v.* THOMAS, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 739 F. 3d 611.

No. 13–1452. MID-SOUTH INSTITUTE OF SELF DEFENSE SHOOTING, INC., ET AL. *v.* GHANE, INDIVIDUALLY AND ON BEHALF OF THE WRONGFUL DEATH BENEFICIARIES OF GHANE. Sup. Ct. Miss. Certiorari denied. Reported below: 137 So. 3d 212.

No. 13–1453. DAVIS *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 550 Fed. Appx. 864.

No. 13–1454. ZULUETA *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 553 Fed. Appx. 983.

No. 13–1455. WILLIAMS *v.* HOME DEPOT. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 13–1456. JOHNSON *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 13–1458. PERRY *v.* VIRGINIA ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 232.

No. 13–1459. DIAZ ET AL. *v.* ARIZONA ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 698.

No. 13–1460. DAMMEYER *v.* MUNICIPAL MORTGAGE & EQUITY, LLC, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 744 F. 3d 874.

No. 13–1463. TAYLOR *v.* DAVIS ET AL. C. A. 6th Cir. Certiorari denied.

No. 13–1464. RENAISSANCE RENTAL PARTNERS, LLC, DBA RENAISSANCE CONDOMINIUM PARTNERS II, ET AL. *v.* BERLIN ET UX. C. A. 2d Cir. Certiorari denied. Reported below: 723 F. 3d 119.

No. 13–1466. BALDRIDGE ET AL. *v.* ELLMANN, CHAPTER 7 TRUSTEE. C. A. 6th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 598.

No. 13–1468. GRIFFIN *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 741 F. 3d 10.

No. 13–1469. ITIOWE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 553 Fed. Appx. 271.

No. 13–1470. FATE *v.* HARPER ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 558 Fed. Appx. 250.

No. 13–1472. ALGUS REAL ESTATE, LLC *v.* CHICAGO TITLE LAND TRUST CO. ET AL. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2013 IL App (2d) 121193–U.

No. 13–1473. DITKOWSKY *v.* ILLINOIS ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION. Sup. Ct. Ill. Certiorari denied.

No. 13–1475. CHETTY HOLDINGS, INC., ET AL. *v.* NORTHMARQ CAPITAL, LLC, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 556 Fed. Appx. 118.

No. 13–1476. GUTRAJ *v.* ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION ET AL. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2013 IL App (4th) 121096–U.

No. 13–1477. GONZALEZ *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 909.

No. 13–1482. VIRDEN *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 13–1483. MAYES *v.* NETCO, INC., ET AL. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2013 IL App (1st) 130235–U.

No. 13–1484. DUVAL ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 742 F. 3d 246.

No. 13–1485. REEVES *v.* MIAMI-DADE COUNTY, FLORIDA. C. A. 11th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 978.

No. 13–1486. BRUNDO *v.* ALL SAINTS CATHOLIC SCHOOL ET AL. C. A. 8th Cir. Certiorari denied.

No. 13–1489. WILLIAMS *v.* REVCO DISCOUNT DRUG CENTERS, INC., DBA CVS PHARMACY INC. C. A. 11th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 919.

No. 13–1490. WHITLEY *v.* LEE, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 13–1492. WHITE *v.* WHITE. C. A. 2d Cir. Certiorari denied. Reported below: 556 Fed. Appx. 10.

No. 13–1494. MALANEY ET AL. *v.* UAL CORP. ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 698.

No. 13–1495. SANG MIN KIM *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Certiorari denied.

No. 13–1497. HARRIS, INDIVIDUALLY AND ON BEHALF OF HER MINOR CHILDREN, HARRIS ET AL., ET AL. *v.* SERPAS ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 745 F. 3d 767.

No. 13–1500. ABU DHABI INVESTMENT AUTHORITY *v.* CITIGROUP, INC. C. A. 2d Cir. Certiorari denied. Reported below: 557 Fed. Appx. 66.

No. 13–1501. BANSAL *v.* CHAKRALA ET AL. Super. Ct. N. J., App. Div. Certiorari denied.

No. 13–1502. HYDE *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 13–1503. CITY OF LOS ANGELES, CALIFORNIA *v.* HARO ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 745 F. 3d 1249.

No. 13–1506. CADE *v.* HOLDER, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 540 Fed. Appx. 748.

No. 13–1507. KING *v.* BERGHUIS, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 744 F. 3d 961.

No. 13–1508. CLASSEN IMMUNOTHERAPIES, INC. *v.* SOMAXON PHARMACEUTICALS. C. A. Fed. Cir. Certiorari denied. Reported below: 550 Fed. Appx. 897.

No. 13–1510. ROSS *v.* AMERICAN RED CROSS ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 296.

No. 13–1511. BROOKS-MCCOLLUM *v.* EMERALD RIDGE SERVICE CORP. C. A. 3d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 144.

No. 13–1513. ARMANDO ALGIRE *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 13–1514. COULTER *v.* UNKNOWN PROBATION OFFICER ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 562 Fed. Appx. 87.

No. 13–1517. GOINS *v.* LAZAROFF, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 434.

No. 13–1518. GAUSE *v.* HAILE ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 559 Fed. Appx. 196.

No. 13–1519. GHOSH *v.* CITY OF BERKELEY, CALIFORNIA, ET AL. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 13–1524. NICHOLS *v.* HOLDER, ATTORNEY GENERAL. C. A. D. C. Cir. Certiorari denied.

No. 13–1525. MILES *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 846.

No. 13–1527. Campbell's Foliage, Inc. *v.* Federal Crop Insurance Corporation et al. C. A. 11th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 828.

No. 13–1528. City of New Orleans, Louisiana, et al. *v.* New Orleans Fire Fighters Pension and Relief Fund et al. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 2013–0873 (La. App. 4 Cir. 12/18/13), 131 So. 3d 412.

No. 13–1531. Travis *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 747 F. 3d 1312.

No. 13–1532. Silva et al. *v.* CH2M Hill, Inc., et al. Ct. App. Mich. Certiorari denied.

No. 13–1533. Hornback *v.* United States. C. A. Armed Forces. Certiorari denied. Reported below: 73 M. J. 155.

No. 13–1534. Tyler *v.* Ryan, Director, Arizona Department of Corrections, et al. C. A. 9th Cir. Certiorari denied. Reported below: 545 Fed. Appx. 696.

No. 13–1535. Potter *v.* Florida Department of Environmental Protection et al. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 129 So. 3d 1079.

No. 13–1537. Korman *v.* Superior Court of California, San Francisco County, et al. Sup. Ct. Cal. Certiorari denied.

No. 13–1538. Mahon *v.* Oelbaum et al. Super. Ct. Pa. Certiorari denied.

No. 13–1540. Chaib *v.* Indiana. C. A. 7th Cir. Certiorari denied. Reported below: 744 F. 3d 974.

No. 13–1541. Hoti Enterprises, L. P., et al. *v.* GECMC 2007 C–1 Burnett Street, LLC. C. A. 2d Cir. Certiorari denied. Reported below: 562 Fed. Appx. 1.

No. 13–1543. Aldawsari *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 740 F. 3d 1015.

No. 13–1544. Barton et al. *v.* House of Raeford Farms, Inc., dba Columbia Farms, Inc. C. A. 4th Cir. Certiorari denied. Reported below: 745 F. 3d 95.

No. 13–1545. McMaster *v.* United States et al. C. A. 9th Cir. Certiorari denied. Reported below: 731 F. 3d 881.

No. 13–1548. J. L. B. *v.* S. J. B., aka S. G. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 135 So. 3d 468.

No. 13–1549. Rocha-Ayala *v.* Holder, Attorney General. C. A. 5th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 484.

No. 13–1550. Lima Delta Co. et al. *v.* Global Aerospace, Inc. Ct. App. Ga. Certiorari denied. Reported below: 325 Ga. App. XXIII.

No. 13–1551. Lima Delta Co. et al. *v.* Global Aerospace, Inc. Ct. App. Ga. Certiorari denied. Reported below: 325 Ga. App. 76, 752 S. E. 2d 135.

No. 13–1552. Martin *v.* City of Westland, Michigan. Cir. Ct. Wayne County, Mich. Certiorari denied.

No. 13–1553. Citrus El Dorado, LLC *v.* Stearns Bank. C. A. 9th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 625.

No. 13–1554. Garrett *v.* Minnesota. Ct. App. Minn. Certiorari denied. Reported below: 841 N. W. 2d 644.

No. 13–1555. Parker *v.* Cooper Tire & Rubber Co. C. A. 5th Cir. Certiorari denied. Reported below: 546 Fed. Appx. 522.

No. 13–1556. McClamma *v.* Remon. C. A. 11th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 787.

No. 13–1557. Midwest Terminals of Toledo, International, Inc. *v.* Local 1982, International Longshoremen's Assn. C. A. 6th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 529.

No. 13–1558. Kellogg Brown & Root Services, Inc. *v.* United States (two judgments). C. A. Fed. Cir. Certiorari denied. Reported below: 728 F. 3d 1348 (first judgment); 742 F. 3d 967 (second judgment).

No. 13–1560. Klein *v.* American Land Title Assn. et al. C. A. D. C. Cir. Certiorari denied. Reported below: 560 Fed. Appx. 1.

No. 13–1561. ISHUTKINA *v.* GENERAL DYNAMICS. Sup. Ct. Va. Certiorari denied.

No. 13–1562. HOLYFIELD-VEGA *v.* UNITED STATES ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 538.

No. 13–1563. NORKIN *v.* FLORIDA BAR. Sup. Ct. Fla. Certiorari denied. Reported below: 132 So. 3d 77.

No. 13–1564. EID ET UX. *v.* THOMPSON ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 740 F. 3d 118.

No. 13–1565. MCCOLLUM ET AL. *v.* ASPEN PROPERTY & RESERVE AT ELK RIVER ET AL.; and MCCOLLUM ET AL. *v.* RESERVE AT ELK RIVER HOMEOWNERS ASSN., INC., ET AL. (Reported below: 215 Md. App. 759 and 764). Ct. Sp. App. Md. Certiorari denied.

No. 13–1566. FRAPPIER *v.* COUNTRYWIDE HOME LOANS, INC. C. A. 1st Cir. Certiorari denied. Reported below: 750 F. 3d 91.

No. 13–8034. KILGORE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 522 Fed. Appx. 631.

No. 13–8397. BOURGEOIS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 537 Fed. Appx. 604.

No. 13–8414. MERRITT *v.* R&R CAPITAL LLC ET AL. Sup. Ct. Del. Certiorari denied. Reported below: 69 A. 3d 371.

No. 13–8453. PANETTI *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 727 F. 3d 398.

No. 13–8645. DYESS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 730 F. 3d 354.

No. 13–8709. BEACH-MATHURA *v.* MIAMI-DADE COUNTY PUBLIC SCHOOLS ET AL. Sup. Ct. Fla. Certiorari denied. Reported below: 109 So. 3d 780.

No. 13–8715. MCKOY *v.* DONAHOE, POSTMASTER GENERAL, ET AL. C. A. 2d Cir. Certiorari denied.

No. 13–8805. DOBBEY *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2011 IL App (1st) 091518, 957 N. E. 2d 142.

No. 13–8844. TAAL *v.* ST. MARY'S BANK. Sup. Ct. N. H. Certiorari denied.

No. 13–8899. BROWN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 720 F. 3d 1316.

No. 13–8956. HAWTHORNE *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 13–8993. DAVIS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 726 F. 3d 357.

No. 13–9028. D'ANTONI *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 13–9196. SPANO *v.* FLORIDA BAR. Sup. Ct. Fla. Certiorari denied. Reported below: 130 So. 3d 694.

No. 13–9210. BLAIR *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 734 F. 3d 218.

No. 13–9215. PROVITT *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 15 A. 3d 532.

No. 13–9258. KIMBROUGH *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied. Reported below: 152 So. 3d 397.

No. 13–9263. MCCUTHISON *v.* TENNESSEE DEPARTMENT OF HUMAN SERVICES ET AL. C. A. 6th Cir. Certiorari denied.

No. 13–9353. ELLIOTT *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 622 Pa. 236, 80 A. 3d 415.

No. 13–9435. FIRST *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 731 F. 3d 998.

No. 13–9486. STANLEY *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 143 So. 3d 230.

No. 13–9489. WHITE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 317.

No. 13–9507. COLLIE *v.* SOUTH CAROLINA COMMISSION ON LAWYER CONDUCT. Sup. Ct. S. C. Certiorari denied.

No. 13–9601. SPENCER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 724 F. 3d 1133.

No. 13–9603. RICOTTA *v.* SAN DIEGO COUNTY EMPLOYEES RETIREMENT ASSN. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 13–9607. BRAITHWAITE, AKA HUTCHINSON *v.* HOLDER, ATTORNEY GENERAL, ET AL. C. A. 11th Cir. Certiorari denied.

No. 13–9620. HUMMEL *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 13–9636. WILSON *v.* UNITED STATES; and
No. 13–9908. AHORRIO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 547 Fed. Appx. 232.

No. 13–9639. CHARLES *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 736 F. 3d 380.

No. 13–9679. CROMITIE, AKA REHMAN, AKA RAHMAN *v.* UNITED STATES;
No. 13–9691. WILLIAMS *v.* UNITED STATES;
No. 13–9693. PAYEN *v.* UNITED STATES; and
No. 13–9728. WILLIAMS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 727 F. 3d 194.

No. 13–9681. COLQUITT *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2013 IL App (1st) 121138, 996 N. E. 2d 297.

No. 13–9685. GARZA-MENDEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 735 F. 3d 1284.

No. 13–9686. HARRIS ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 740 F. 3d 956.

No. 13–9708. SIMMONS *v.* AUSTIN. C. A. 6th Cir. Certiorari denied.

No. 13–9752. VIDAL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 546 Fed. Appx. 596.

No. 13–9756. RONEY *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 622 Pa. 1, 79 A. 3d 595.

No. 13–9761. PERKINS *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 144 So. 3d 457.

No. 13–9784. GILLEY *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 418 S. W. 3d 114.

No. 13–9807. MANIBUSAN *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 58 Cal. 4th 40, 314 P. 3d 1.

No. 13–9838. GOSCIMINSKI *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 132 So. 3d 678.

No. 13–9871. MCCHRISTON *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 2014 IL 115310, 4 N. E. 3d 29.

No. 13–9880. AMEZCUA *v.* EIGHTH JUDICIAL DISTRICT COURT OF NEVADA, CLARK COUNTY, ET AL. Sup. Ct. Nev. Certiorari denied. Reported below: 130 Nev. 45, 319 P. 3d 602.

No. 13–9900. KAHRE ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 737 F. 3d 554.

No. 13–9903. JACKSON *v.* CITY OF MEMPHIS, TENNESSEE. C. A. 6th Cir. Certiorari denied.

No. 13–9909. RENTSCHLER *v.* MISSOURI ET AL. Sup. Ct. Mo. Certiorari denied.

No. 13–9912. JONES *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 13–9913. WILLIS *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 13–9924. WYLIE *v.* DALY, WARDEN. Sup. Ct. Mont. Certiorari denied. Reported below: 373 Mont. 444, 318 P. 3d 175.

No. 13–9925. BONNER *v.* FLORIDA. C. A. 11th Cir. Certiorari denied.

No. 13–9928. MASSEY *v.* JACKSON, CORRECTIONAL SUPERINTENDENT, BROWN CREEK CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 549 Fed. Appx. 174.

No. 13–9931. NAFTZGER *v.* LOUISIANA. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2012–2061 (La. App. 1 Cir. 6/7/13).

No. 13–9933. WEBB *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 83 A. 3d 1055.

No. 13–9934. SANDERS *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 13–9946. LOPES-BENITEZ *v.* BAKER, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 545 Fed. Appx. 697.

No. 13–9950. ORTIZ *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 13–9951. ORTIZ *v.* ADAMS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–9952. BROOKS *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 13–9955. WANTON *v.* PACIFIC ARCHES CORP. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 120 So. 3d 572.

No. 13–9956. WALKER *v.* CARTLEDGE, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 80.

No. 13–9957. TOOMBS *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 13–9959. SANCHEZ LOPEZ *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 13–9967. CHACON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 13–9971. CONNER *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 13–9973. GOFFER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 721 F. 3d 113.

No. 13–9977. DIXON *v.* ROBINSON, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 737 F. 3d 1003.

No. 13–9978. STEVENS *v.* GEORGIA ET AL. Super. Ct. Fulton County, Ga. Certiorari denied.

No. 13–9979. CARTIER *v.* SWANEY. Sup. Ct. Va. Certiorari denied.

No. 13–9981. HARGUS *v.* WEST VIRGINIA. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 232 W. Va. 735, 753 S. E. 2d 893.

No. 13–9984. PATTERSON *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2013 IL App (2d) 120359, 997 N. E. 2d 673.

No. 13–9985. ANGEL SANDOVAL *v.* FOULK, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–9998. HANSEN *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 535 Fed. Appx. 328.

No. 13–10001. REEVES *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 13–10003. LAMBRIX *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 13–10008. DAVIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 736 F. 3d 783.

No. 13–10009. EISELE *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 995 N. E. 2d 1089.

No. 13–10011. MILLER *v.* MILNER; and MILLER *v.* FLOWERS. Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied.

No. 13–10014. JOHNSON *v.* STEELE, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 13–10016. HARRIMAN *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 13–10018. HOOD *v.* SANDMANN ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 538 Fed. Appx. 585.

No. 13–10020. Sampson *v.* Montgomery, Acting Warden. C. A. 9th Cir. Certiorari denied.

No. 13–10024. Romero *v.* Persson, Superintendent, Oregon State Correctional Institution. C. A. 9th Cir. Certiorari denied.

No. 13–10031. Pittman-Bey *v.* Celum et al. C. A. 5th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 310.

No. 13–10036. Bachicha *v.* Ducart, Acting Warden. C. A. 9th Cir. Certiorari denied.

No. 13–10041. Mitchell *v.* Illinois. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 13–10042. Seguin *v.* Bedrosian et al. C. A. 1st Cir. Certiorari denied.

No. 13–10043. Seguin *v.* Chafee, Individually and in His Official Capacity as the Governor of Rhode Island, et al. C. A. 1st Cir. Certiorari denied.

No. 13–10044. O'Neal *v.* Bagley, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 743 F. 3d 1010.

No. 13–10045. Pandey *v.* Hickenlooper, Governor of Colorado, et al. Sup. Ct. Colo. Certiorari denied.

No. 13–10055. Bonifacio Lopez *v.* Grounds, Warden. C. A. 9th Cir. Certiorari denied.

No. 13–10059. Manley *v.* Invesco et al. C. A. 5th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 344.

No. 13–10061. Ruiz, aka Mendez *v.* Washington. Ct. App. Wash. Certiorari denied. Reported below: 176 Wash. App. 623, 309 P. 3d 700.

No. 13–10066. Whitaker *v.* New York University. C. A. 2d Cir. Certiorari denied. Reported below: 543 Fed. Appx. 113.

No. 13–10069. Thompson *v.* Ameriflex et al. C. A. 2d Cir. Certiorari denied.

No. 13–10070. Winfield *v.* Mercy Hospital et al. C. A. 7th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 586.

No. 13–10072. SMITH *v.* OLSEN ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 233.

No. 13–10073. REEVES *v.* ILLINOIS. App. Ct. Ill., 5th Dist. Certiorari denied.

No. 13–10074. LITTLE *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 13–10079. PAHNKE *v.* MICHIGAN CIRCUIT COURT FOR THE COUNTY OF SCHOOLCRAFT, FAMILY DIVISION. Ct. App. Mich. Certiorari denied.

No. 13–10080. SMITH *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 13–10081. DYE *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 13–10082. ROCHA *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 13–10083. MACIEL *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 731 F. 3d 928.

No. 13–10085. LEE, AKA GRAHAM *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 715 F. 3d 215.

No. 13–10090. OLLIVIER *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 178 Wash. 2d 813, 312 P. 3d 1.

No. 13–10097. PRICE *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 107 So. 3d 406.

No. 13–10100. WARD *v.* KLEE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10101. NUNN *v.* EVANS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 723.

No. 13–10104. WALKER *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 13–10107. MACKENZIE *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10109. BATS *v.* VALENZUELA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10110. JOHNSON *v.* BIGELOW, WARDEN, ET AL. Ct. App. Utah. Certiorari denied.

No. 13–10111. THAE LEE *v.* FOULK, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10112. NEFF *v.* DIAZ, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10115. SMALL *v.* OPPY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10116. SIMPSON *v.* LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT ET AL. C. A. 6th Cir. Certiorari denied.

No. 13–10120. PERDUE *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied. Reported below: 221 Cal. App. 4th 1070, 165 Cal. Rptr. 3d 137.

No. 13–10123. BRITTO *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied.

No. 13–10127. ADAMS *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 13–10135. JAUREGUI *v.* UNKNOWN. C. A. 9th Cir. Certiorari denied.

No. 13–10138. CAMPBELL, AKA ROOSEVELT, AKA WILLIAMS *v.* HOLDER, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied.

No. 13–10139. THOMPSON *v.* STEELE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10143. R. R. *v.* PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE. Commw. Ct. Pa. Certiorari denied.

No. 13–10144. MAKI *v.* ANDERSON. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 13–10145. DEERE, AKA RUNNING DEER *v.* CHAPPELL, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 718 F. 3d 1124.

No. 13–10146. LARD *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2014 Ark. 1, 431 S. W. 3d 249.

No. 13–10148. KIMBROUGH *v.* HARLOW, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 13–10150. HENH CHU NGO *v.* HOLLOWAY, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 713.

No. 13–10152. MEREDITH *v.* LOPEZ, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 550 Fed. Appx. 363.

No. 13–10156. NARANJO *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. Reported below: 234 Ariz. 233, 321 P. 3d 398.

No. 13–10160. EDMONSON *v.* HARRINGTON, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 13–10161. A. K., BY AND THROUGH HER PARENT, E. K. *v.* GWINNETT COUNTY SCHOOL DISTRICT. C. A. 11th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 790.

No. 13–10177. FERGUSON *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. 10th Cir. Certiorari denied. Reported below: 543 Fed. Appx. 750.

No. 13–10178. SARABIA *v.* KENTUCKY. Ct. App. Ky. Certiorari denied.

No. 13–10181. ZAVALA ET AL. *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 13–10186. CLARK *v.* OREGON. Ct. App. Ore. Certiorari denied. Reported below: 247 Ore. App. 353, 271 P. 3d 154.

No. 13–10189. WILLIAMS *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 137 So. 3d 387.

No. 13–10190. TAFOYA *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 13–10191. YARBROUGH *v.* KANSAS. Ct. App. Kan. Certiorari denied. Reported below: 49 Kan. App. 2d xxxv, 303 P. 3d 727.

No. 13–10192. YELVERTON *v.* UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT. C. A. D. C. Cir. Certiorari denied.

No. 13–10196. MEYER *v.* THUESEN. Ct. App. Cal., 1st App. Dist., Div. 3. Certiorari denied.

No. 13–10197. PESCI *v.* OHIO ADULT PAROLE AUTHORITY. C. A. 6th Cir. Certiorari denied.

No. 13–10198. GOTTSCHALK *v.* CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied.

No. 13–10201. FLETCHER *v.* BOARD OF BAR OVERSEERS OF THE SUPREME JUDICIAL COURT OF MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 466 Mass. 1018, 997 N. E. 2d 1196.

No. 13–10203. CELESTINE *v.* COURTYARD OF THREE FOUNTAINS ASSN. ET AL. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 13–10204. CONTRERAS *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 13–10206. MCCLINTON *v.* BOLIN. C. A. 8th Cir. Certiorari denied.

No. 13–10208. LANE *v.* BICKELL, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 13–10209. MADDOX *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 85 A. 3d 88.

No. 13–10210. SUIRE *v.* BURNS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 549 Fed. Appx. 189.

No. 13–10211. AGUILAR *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 13–10212. BATES *v.* WARREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10217. MACOMBER *v.* KANSAS (two judgments). Ct. App. Kan. Certiorari denied. Reported below: 49 Kan. App. 2d xxviii, 303 P. 3d 726 (both judgments).

No. 13–10222. MALLARD *v.* SANTIAGO, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 13–10223. MADDEN *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 13–10225. SANCHEZ *v.* EARLS ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 534 Fed. Appx. 577.

No. 13–10226. RAMON DELEON *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 541 Fed. Appx. 492.

No. 13–10228. MATHIS *v.* VARANO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL. C. A. 3d Cir. Certiorari denied.

No. 13–10231. ANDERSON *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 128 So. 3d 812.

No. 13–10232. ASKEW *v.* HOLDER, ATTORNEY GENERAL. C. A. D. C. Cir. Certiorari denied. Reported below: 544 Fed. Appx. 2.

No. 13–10234. NUMRICH *v.* WARNER ET AL. C. A. 9th Cir. Certiorari denied.

No. 13–10235. EL MALIK *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 555 Fed. Appx. 986.

No. 13–10241. DUNLAP *v.* KENTUCKY. Sup. Ct. Ky. Certiorari denied. Reported below: 435 S. W. 3d 537.

No. 13–10242. LARSEN-ORTA *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 13–10245. GLASER *v.* CITY AND COUNTY OF DENVER, COLORADO, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 689.

No. 13–10250. PESE *v.* RUNNELS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 434.

No. 13–10251. SMITH *v.* NEELY, SUPERINTENDENT, PIEDMONT CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 59.

No. 13–10254. FORD *v.* COLLINS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FRACKVILLE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 13–10255. HENIX *v.* RAPELJE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10256. FITZGERALD *v.* ASHLEY ET AL. Commw. Ct. Pa. Certiorari denied.

No. 13–10257. GRAY *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 13–10259. HEXIMER *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10260. AYRES *v.* OBAMA, PRESIDENT OF THE UNITED STATES, ET AL. C. A. 9th Cir. Certiorari denied.

No. 13–10261. BURTON *v.* LEE, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY. C. A. 5th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 346.

No. 13–10262. CRUZ *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 587.

No. 13–10267. EILER *v.* SOUTH DAKOTA DEPARTMENT OF LABOR AND REGULATION, UNEMPLOYMENT INSURANCE DIVISION. Sup. Ct. S. D. Certiorari denied. Reported below: 2013 S.D. 69, 838 N. W. 2d 615.

No. 13–10270. BRANDENBURG *v.* KEITH, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 13–10272. BURTS *v.* CALIFORNIA. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 13–10273. DRESSLER *v.* DOUGHERTY, SHERIFF, JEFFERSON COUNTY, WEST VIRGINIA. Sup. Ct. App. W. Va. Certiorari denied.

No. 13–10274. ABDULMUTALLAB *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 739 F. 3d 891.

No. 13–10275. MACK *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 13–10276. ZEBROWSKI *v.* FEDERAL BUREAU OF PRISONS ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 355.

No. 13–10277. THOMAS, AKA ADAMS *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 22 N. Y. 3d 168, 3 N. E. 3d 617.

No. 13–10284. WHATLEY *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 146 So. 3d 437.

No. 13–10285. WEIKERT *v.* BIGELOW, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 823.

No. 13–10286. LING YUAN HU *v.* DEPARTMENT OF DEFENSE ET AL. C. A. D. C. Cir. Certiorari denied.

No. 13–10290. MCCOY *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 132 So. 3d 756.

No. 13–10291. MERCIER *v.* MAINE. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2014 ME 28, 87 A. 3d 700.

No. 13–10292. PATKINS *v.* GONZALES ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 612.

No. 13–10294. CALDWELL *v.* MCCALL, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 547 Fed. Appx. 355.

No. 13–10295. EDDY *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 299 Kan. 29, 321 P. 3d 12.

No. 13–10296. CLARK *v.* KELLER, SECRETARY, NORTH CAROLINA DEPARTMENT OF CORRECTION, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 175.

No. 13–10300. JOHNSON *v.* GENERAL BOARD OF PENSION AND HEALTH BENEFITS OF THE UNITED METHODIST CHURCH ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 733 F. 3d 722.

No. 13–10301. JACOB *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 286 Neb. xix.

No. 13–10303. PEYTON *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 215.

No. 13–10308. BELL *v.* BUSH, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 280.

No. 13–10311. ROBINSON *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 13–10312. MADKINS *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 13–10313. JONES *v.* WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 549 Fed. Appx. 108.

No. 13–10315. ROBERSON *v.* PADULA ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 264.

No. 13–10316. HYNOSKI *v.* ATWOOD, MALONE, TURNER & SABIN, P. A., ET AL. Ct. App. N. M. Certiorari denied.

No. 13–10317. SEARS *v.* WHITE, CORRECTIONAL ADMINISTRATOR, MOUNTAIN VIEW CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 252.

No. 13–10319. WEDINGTON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 539 Fed. Appx. 698.

No. 13–10320. PIERSON *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 13–10321. J. O. *v.* LUTHERAN FAMILY SERVICES OF COLORADO, INC., ET AL. Ct. App. Colo. Certiorari denied.

No. 13–10324. WARE *v.* GENERAL MOTORS CORP. Ct. App. Ore. Certiorari denied. Reported below: 258 Ore. App. 209, 308 P. 3d 381.

No. 13–10327. ISBY *v.* BROWN, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 13–10330. ALLEN *v.* GAINS. Commw. Ct. Pa. Certiorari denied. Reported below: 74 A. 3d 1186.

No. 13–10331. BROWN *v.* HOOPS ET AL. C. A. 9th Cir. Certiorari denied.

No. 13–10332. AGOSTO *v.* FISCHER ET AL. C. A. 2d Cir. Certiorari denied.

No. 13–10333. GARRIS *v.* CASSADY, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 13–10334. BEAL *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 75 A. 3d 540.

No. 13–10337. CARLSON *v.* INTERNAL REVENUE SERVICE ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 546 Fed. Appx. 602.

No. 13–10339. SOOKYEONG KIM SEBOLD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 547 Fed. Appx. 278.

No. 13–10342. JENNINGS *v.* LIZARRAGA, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 493 Fed. Appx. 903.

No. 13–10344. MANKO *v.* LENOX HILL HOSPITAL. Ct. App. N. Y. Certiorari denied. Reported below: 22 N. Y. 3d 1134, 6 N. E. 3d 610.

No. 13–10345. BRAY *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 134 So. 3d 453.

No. 13–10346. CARAZO *v.* SAXON MORTGAGE SERVICES, INC. Sup. Ct. Fla. Certiorari denied. Reported below: 133 So. 3d 525.

No. 13–10347. BANDY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 13–10349. OLADOSU *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 744 F. 3d 36.

No. 13–10350. SWEETMAN *v.* BOROUGH OF NORRISTOWN, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 554 Fed. Appx. 86.

No. 13–10351. SMITH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 698.

No. 13–10352. CROSBY, AKA COSBY *v.* THOMAS, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 754.

No. 13–10353. MORENO CARBAJAL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 13–10354. CORTEZ *v.* PEREZ, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 681.

No. 13–10355. STRAUSBAUGH *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 534 Fed. Appx. 178.

No. 13–10358. JONES *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 13–10361. BLACK *v.* GOODWIN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 13–10362. ANDERSON *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 561 Fed. Appx. 932.

No. 13–10363. ALFREDS *v.* SOCIAL SECURITY ADMINISTRATION ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 523 Fed. Appx. 406.

No. 13–10364. ARROWGARP *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 824.

No. 13–10365. BARTHOLOMEW *v.* SANTIAGO, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 13–10367. HOCK *v.* DUPAGE CIRCUIT COURT CLERK OFFICE ET AL. C. A. 7th Cir. Certiorari denied.

No. 13–10368. HANNA *v.* MAXWELL ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 192.

No. 13–10371. VALENZUELA-MORALES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 673.

No. 13–10373. PESQUEIRA *v.* PARAMO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10374. PEREZ-PEREZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 737 F. 3d 950.

No. 13–10376. SCALES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 735 F. 3d 1048.

No. 13–10377. JOHNSON *v.* VIRGINIA ET AL. Sup. Ct. Va. Certiorari denied.

No. 13–10378. MARSH *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA. C. A. 4th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 171.

No. 13–10379. BROWN *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 130 So. 3d 1285.

No. 13–10380. COLLIE *v.* SOUTH CAROLINA COMMISSION ON LAWYER CONDUCT. Sup. Ct. S. C. Certiorari denied. Reported below: 406 S. C. 181, 749 S. E. 2d 522.

No. 13–10382. WITKIN *v.* FRAUENHEIM, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10383. WARD *v.* BARRETT, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10384. THOMAS *v.* KEITH, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 13–10385. WHITT *v.* OLIVER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 13–10386. WILLIAMS *v.* TEXAS. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 13–10387. TENNISON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 619.

No. 13–10388. MILLER *v.* ADAMS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10389. MCNEIL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 539 Fed. Appx. 190.

No. 13–10390. CHRISTY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 739 F. 3d 534.

No. 13–10391. AISHA K. *v.* DANIEL B. ET AL. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 109 App. Div. 3d 740, 971 N. Y. S. 2d 525.

No. 13–10392. MARSHALL *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 13–10393. WILSON *v.* VALENZUELA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10394. WEBB *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 216.

No. 13–10395. TIMMONS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 733 F. 3d 294 and 543 Fed. Appx. 664.

No. 13–10396. ULRICH *v.* FRINK, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10397. ARAFAT *v.* SCHOOL BOARD OF BROWARD COUNTY. C. A. 11th Cir. Certiorari denied. Reported below: 549 Fed. Appx. 872.

No. 13–10398. BUTTS *v.* CLARKE ET AL. Sup. Ct. Va. Certiorari denied.

No. 13–10399. THOMPSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 13–10401. RAY *v.* OLENDER. C. A. D. C. Cir. Certiorari denied. Reported below: 559 Fed. Appx. 7.

No. 13–10402. OGEONE *v.* NAKAKUNI, UNITED STATES ATTORNEY. C. A. 9th Cir. Certiorari denied.

No. 13–10405. SHALLOW *v.* MOLLEN IMMUNIZATION CLINIC ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 540 Fed. Appx. 812.

No. 13–10406. COUNCIL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 533 Fed. Appx. 278.

No. 13–10407. CARTER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 13–10409. RHOME *v.* OBENLAND, SUPERINTENDENT, CLALLAM BAY CORRECTIONS CENTER. C. A. 9th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 683.

No. 13–10410. REEDOM *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 15.

No. 13–10411. PASKAUSKIENE *v.* TEXAS WORKFORCE COMMISSION ET AL. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 13–10412. RICHARDSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 233.

No. 13–10413. JONES *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 485.

No. 13–10414. MANTZ *v.* PALM BEACH COUNTY PLANNING ET AL. Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 13–10415. LYLE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 742 F. 3d 434.

No. 13–10416. BARROW *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 362.

No. 13–10417. COBBLE *v.* GEORGIA. Super. Ct. Cobb County, Ga. Certiorari denied.

No. 13–10419. COPPIN *v.* WILLIAMS, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 13–10420. WOODALL *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 294 Ga. 624, 754 S. E. 2d 335.

No. 13–10421. WEINBERGER *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 13–10422. COPELAND *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 381.

No. 13–10423. NGARI *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 259.

No. 13–10425. CUFFEE *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 13–10426. Ross *v.* Ball, Superintendent, Avery/Mitchell Correctional Institution, et al. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 1.

No. 13–10427. Nunes *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 676.

No. 13–10428. Marsh *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 568 Fed. Appx. 15.

No. 13–10429. Rodriguez *v.* Smith, Superintendent, Shawangunk Correctional Facility. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 114 App. Div. 3d 976, 984 N. Y. S. 2d 281.

No. 13–10430. Walker *v.* Colorado. Sup. Ct. Colo. Certiorari denied. Reported below: 318 P. 3d 479.

No. 13–10431. Wilson *v.* Texas. Ct. App. Tex., 9th Dist. Certiorari denied.

No. 13–10433. Evans *v.* Chappell, Warden. C. A. 9th Cir. Certiorari denied.

No. 13–10434. Carter *v.* Virginia. Sup. Ct. Va. Certiorari denied.

No. 13–10435. Carnalla-Ruiz *v.* Illinois. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 409 Ill. App. 3d 1152, 2 N. E. 3d 663.

No. 13–10436. Campbell *v.* Illinois. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2013 IL App (4th) 110517–U.

No. 13–10437. Dean *v.* Board of Education of Prince George's County. C. A. 4th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 170.

No. 13–10438. Knecht *v.* Knecht et al. Sup. Ct. Fla. Certiorari denied. Reported below: 139 So. 3d 886.

No. 13–10439. Ladeairous *v.* Davis, Warden. C. A. 4th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 298.

No. 13–10441. Doyle *v.* Frink, Warden, et al. C. A. 9th Cir. Certiorari denied.

No. 13–10443. ELLENBURG *v.* MONTANA. Sup. Ct. Mont. Certiorari denied.

No. 13–10444. DAYE *v.* PLUMLEY, WARDEN. Sup. Ct. App. W. Va. Certiorari denied.

No. 13–10445. CHRISTIAN *v.* WRIGHT, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 700.

No. 13–10446. CARVAJAL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 13–10447. DRUMMER *v.* UNIVERSITY OF PHOENIX. Sup. Ct. N. J. Certiorari denied.

No. 13–10448. SIMS *v.* SMITH, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10449. INGRAM *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 203.

No. 13–10450. ALI *v.* OBAMA, PRESIDENT OF THE UNITED STATES, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 736 F. 3d 542.

No. 13–10451. STEWART *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 13–10452. JACKSON *v.* LAZAROFF, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 745 F. 3d 206.

No. 13–10453. MARSHALL *v.* TATUM, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 13–10454. OLIVER *v.* WALL, DIRECTOR, RHODE ISLAND DEPARTMENT OF CORRECTIONS. C. A. 1st Cir. Certiorari denied.

No. 13–10455. MILLER *v.* CITY OF GOLDENDALE, WASHINGTON, ET AL. C. A. 9th Cir. Certiorari denied.

No. 13–10457. NUNN *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 121 So. 3d 566.

No. 13–10458. ROBINSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 13–10459. MARISCAL *v.* FOULK, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 13–10460. HOGG *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 2. Certiorari denied.

No. 13–10461. SMITH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 82.

No. 13–10462. BISHOP *v.* TENNESSEE. Sup. Ct. Tenn. Certiorari denied. Reported below: 431 S. W. 3d 22.

No. 13–10464. ARMOUR *v.* NEWARK HOUSING AUTHORITY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 13–10465. GARCIA-GONZALEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 365.

No. 13–10466. SMITH *v.* JACKSON, SHERIFF, FULTON COUNTY, GEORGIA, ET AL. C. A. 11th Cir. Certiorari denied.

No. 13–10467. HEFFERNAN *v.* ARLINGTON COUNTY DEPARTMENT OF HUMAN SERVICES. Sup. Ct. Va. Certiorari denied.

No. 13–10468. HEFFERNAN *v.* ARLINGTON COUNTY DEPARTMENT OF HUMAN SERVICES. Sup. Ct. Va. Certiorari denied.

No. 13–10469. HAMILTON *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 133 So. 3d 933.

No. 13–10470. FIELDS *v.* LOUISIANA. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 2012–0674 (La. App. 4 Cir. 6/19/13), 120 So. 3d 309.

No. 13–10471. HAMMETT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 555 Fed. Appx. 108.

No. 13–10472. GARCIA *v.* UNITED STATES (Reported below: 556 Fed. Appx. 325); REYES *v.* UNITED STATES (556 Fed. Appx. 334); and BERNAL-ESTEVEZ *v.* UNITED STATES (562 Fed. Appx. 265). C. A. 5th Cir. Certiorari denied.

No. 13–10473. HARRIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 227.

No. 13–10474. HUNTER *v.* BRAZELTON, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 653.

No. 13–10475. HAKIMI *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 747 F. 3d 51.

No. 13–10476. HORTON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 756 F. 3d 569.

No. 13–10478. FLORES *v.* LONG, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 559.

No. 13–10479. FOX *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 558 Fed. Appx. 66.

No. 13–10481. POOLE *v.* MACLAREN, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 547 Fed. Appx. 749.

No. 13–10482. NORTON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 615.

No. 13–10483. MORALES-GOMEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 339.

No. 13–10484. ALDRIDGE ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 739 F. 3d 829.

No. 13–10485. SORRENTINO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 566 Fed. Appx. 26.

No. 13–10486. VARELLAS *v.* UNITED STATES PAROLE COMMISSION. C. A. 7th Cir. Certiorari denied. Reported below: 547 Fed. Appx. 796.

No. 13–10487. WALLACE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 13–10488. EPPINGER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 13–10489. CABRERA-GUTIERREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 756 F. 3d 1125.

No. 13–10490. DION *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 740 F. 3d 22.

No. 13–10491. CASTILLO-RUELAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 406.

No. 13–10492. CONCEPCION *v.* IOWA. Ct. App. Iowa. Certiorari denied. Reported below: 843 N. W. 2d 478.

No. 13–10494. LOCKETT *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 13–10495. WANNA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 744 F. 3d 584.

No. 13–10496. TAYLOR *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 559 Fed. Appx. 122.

No. 13–10497. TELLADO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 745 F. 3d 48.

No. 13–10498. WOODS *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 13–10499. ROLLINS *v.* NORTH CAROLINA. Ct. App. N. C. Certiorari denied. Reported below: 226 N. C. App. 129, 738 S. E. 2d 440.

No. 13–10500. ZIERKE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 13–10501. FINCH *v.* TEXAS DEPARTMENT OF CRIMINAL JUSTICE. C. A. 5th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 281.

No. 13–10502. GOETZ *v.* STRICKLAND. Ct. App. N. C. Certiorari denied. Reported below: 231 N. C. App. 173, 753 S. E. 2d 742.

No. 13–10503. LONDO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 13–10505. JOHNSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 944.

No. 13–10506. JUDKINS *v.* WILLIAMS, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 13–10507. SANTOS-CORTEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 407.

No. 13–10508. MATLOCK *v.* ILLINOIS. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2013 IL App (5th) 110160–U.

No. 13–10511. ZEBROWSKI *v.* MARTIN, COMPLEX WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 119.

No. 13–10512. WASHINGTON *v.* BROWN, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 13–10513. WHITTAKER *v.* MACKIE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10515. MCCOY *v.* MICHIGAN ET AL. C. A. 6th Cir. Certiorari denied.

No. 13–10516. ORNELAS-CASTRO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 13–10517. BUTLER *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 134 So. 3d 453.

No. 13–10518. D. D. *v.* FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES ET AL. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 138 So. 3d 452.

No. 13–10519. SOLIS *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied.

No. 13–10520. CUNNINGHAM *v.* LOUISIANA. Ct. App. La., 4th Cir. Certiorari denied.

No. 13–10521. COOK *v.* TEXAS. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 13–10523. DIXON *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 9.

No. 13–10524. ENDSLEY *v.* UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 13–10525. LANDAN *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 13–10527. RUIZ SALCEDO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 533 Fed. Appx. 796.

No. 13–10528. ORONA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 13–10529. JONES *v.* MACOMBER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10530. REED *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 744 F. 3d 519.

No. 13–10531. WILKERSON *v.* MONTGOMERY, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10532. LAM DANG *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied. Reported below: 287 Va. 132, 752 S. E. 2d 885.

No. 13–10533. MCGEE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 323.

No. 13–10534. MARTINEZ-GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 253.

No. 13–10535. JACQUES *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 744 F. 3d 804.

No. 13–10536. YASITH CHHUN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 744 F. 3d 1110.

No. 13–10537. PEREZ-VALENCIA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 744 F. 3d 600.

No. 13–10538. RODRIGUEZ *v.* DUCART, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 658.

No. 13–10540. FORD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 726 F. 3d 1028.

No. 13–10542. CHISOLM *v.* DESOTO POLICE DEPARTMENT ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 481.

No. 13–10543. CLINE *v.* SUTTON ET AL. Ct. App. N. C. Certiorari denied. Reported below: 230 N. C. App. 11, 749 S. E. 2d 91.

No. 13–10545. MARTINEZ MARTINEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 535 Fed. Appx. 606.

No. 13–10546. KENNEDY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 550 Fed. Appx. 321.

No. 13–10547. ORTIZ-FIGUEROA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 13–10548. LEWIS *v.* CONNECTICUT. App. Ct. Conn. Certiorari denied. Reported below: 148 Conn. App. 511, 84 A. 3d 1238.

No. 13–10549. MAHDI, AKA JONES *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 581.

No. 13–10550. EL MUJADDID *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY. C. A. 3d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 874.

No. 13–10551. ROWLAND *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 177 Wash. App. 1012.

No. 13–10552. GUEVARA *v.* GIPSON, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 617.

No. 13–10553. SIMS *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA. C. A. 4th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 217.

No. 13–10554. HERNANDEZ RODRIGUEZ, AKA GARCIA-MARTINEZ *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 741 F. 3d 908.

No. 13–10555. WILLIAMS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 13–10556. SALGADO-SILVER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 385.

No. 13–10557. NORRIS *v.* MAY, ASSISTANT DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL. C. A. 8th Cir. Certiorari denied.

No. 13–10558. MULDROW *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 745 F. 3d 866.

No. 13–10559. MCGUIRE *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 13–10560. RODRIGUEZ *v.* EIGHTH JUDICIAL DISTRICT COURT OF NEVADA, CLARK COUNTY, ET AL. Sup. Ct. Nev. Certiorari denied. Reported below: 130 Nev. 1237.

No. 13–10561. JOHNSON *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 13–10562. LINCOLN *v.* EMPLOYMENT SERVICES, DBA CENTURA COLLEGE, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 68.

No. 13–10563. ANDERSON *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 83 A. 3d 1063.

No. 13–10564. ARMENDARIZ-PEREZ *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 543 Fed. Appx. 876.

No. 13–10566. RATLIFF *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 97.

No. 13–10567. LEBAR *v.* THOMPSON ET AL. C. A. 3d Cir. Certiorari denied.

No. 13–10568. MATTHEWS *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 122 So. 3d 871.

No. 13–10569. COOPER *v.* EDWARDS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 247.

No. 13–10570. GASPAR MARTINEZ *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 13–10571. DANIEL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 749 F. 3d 608.

No. 13–10572. SCOTT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 896.

No. 13–10573. WARD *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10575. CLEVENGER *v.* CARTINHOUR ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 554 Fed. Appx. 3.

No. 13–10578. SUMPTER *v.* BERGHUIS, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 13–10579. JENKINS *v.* DAVIS, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 234.

No. 13–10580. RICE *v.* NEBRASKA. Ct. App. Neb. Certiorari denied. Reported below: 21 Neb. App. xx.

No. 13–10581. NOBREGA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 13–10582. JOHNSON *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 179 Wash. 2d 534, 315 P. 3d 1090.

No. 13–10583. MARCUS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 744 F. 3d 559.

No. 13–10584. MILLS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 381.

No. 13–10585. MISSUD *v.* OAKLAND COLISEUM JOINT VENTURE ET AL. C. A. 9th Cir. Certiorari denied.

No. 13–10586. DULIMOF-SPATHIS *v.* SPATHIS. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 103 App. Div. 3d 599, 960 N. Y. S. 2d 384.

No. 13–10588. BAUKMAN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 558 Fed. Appx. 173.

No. 13–10593. TAYLOR *v.* GLUNT, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HOUTZDALE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 13–10595. FERNANDEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 629.

No. 13–10596. SHURZ *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied. Reported below: 730 F. 3d 812.

No. 13–10597. LOONEY ET UX. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 13–10598. LOISEAU *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 906.

No. 13–10599. FRESCAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 13–10600. BARRIENTOS *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 3. Certiorari denied.

No. 13–10601. BRIGHT *v.* TOVES ET AL. C. A. 6th Cir. Certiorari denied.

No. 13–10602. GOMEZ-GOMEZ *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 776.

No. 13–10603. SLAUGHTER *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 130 Nev. 1247.

No. 13–10604. HERNANDEZ-NAVARRO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 673.

No. 13–10606. FARMER *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 13–10607. GUMBS *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 107 App. Div. 3d 548, 968 N. Y. S. 2d 452.

No. 13–10609. DIAMOND *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 623 Pa. 475, 83 A. 3d 119.

No. 13–10610. EVANS *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 91 A. 3d 1047.

No. 13–10612. ROSAS-MARTINEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 931.

No. 13–10613. SAMUEL ET AL. *v.* ESPN, INC. C. A. 4th Cir. Certiorari denied. Reported below: 542 Fed. Appx. 235.

No. 13–10614. VENTURA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 453.

No. 13–10615. MORRISON *v.* VAUGHAN, SUPERINTENDENT, ODOM CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 943.

No. 13–10616. REYNA-ACEVEDO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 582.

No. 13–10617. CORTEZ *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 22 N. Y. 3d 1061, 4 N. E. 3d 952.

No. 13–10618. SANTIAGO *v.* FOLINO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 13–10619. SHILL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 740 F. 3d 1347.

No. 13–10620. SMITH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 884.

No. 13–10621. BAEZ-GARCIA *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 132 So. 3d 231.

No. 13–10622. BERUBE *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 13–10623. MORRIS *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2013 IL App (1st) 110413, 1 N. E. 3d 1033.

No. 13–10624. BUGG *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 248.

No. 13–10625. MANNING *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 738 F. 3d 937.

No. 13–10626. KNECHT *v.* KNECHT. Sup. Ct. Fla. Certiorari denied. Reported below: 139 So. 3d 298.

No. 13–10627. GOODRICH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 739 F. 3d 1091.

No. 13–10628. JUSTICE *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 13–10629. FAY *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 467 Mass. 574, 5 N. E. 3d 1216.

No. 13–10630. MEAS *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 467 Mass. 434, 5 N. E. 3d 864.

No. 13–10631. SABER ET AL. *v.* SABER. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 13–10632. LUCAS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 745 F. 3d 626.

No. 13–10633. RUSSEAU *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 342.

No. 13–10636. CAIRA *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 737 F. 3d 455.

No. 13–10637. CHAVEZ *v.* FOULK, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10638. PERDUE *v.* DONAHUE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10641. ROWLAND *v.* NEVEN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10642. SOLON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 520.

No. 13–10643. SPELLER *v.* ASBELL, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 323.

No. 13–10644. LUIS TOVAR *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 442.

No. 13–10646. WOOTEN *v.* SOTO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10647. WILLIAMSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 746 F. 3d 987.

No. 13–10648. BUNCH *v.* OHIO. Ct. App. Ohio, 7th App. Dist., Mahoning County. Certiorari denied.

No. 13–10649. MEEKS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 742 F. 3d 838.

No. 13–10650. RIVERA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 552 Fed. Appx. 51.

No. 13–10652. SAUCEDO-TREJO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 639.

No. 13–10653. MORGAN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 562 Fed. Appx. 123.

No. 13–10654. PRUNEDA-GARZA, AKA PRUNEDA, AKA GARZA *v.* UNITED STATES (Reported below: 563 Fed. Appx. 287); MILLAN-ARTEAGA, AKA MILLAN-ARTEGA *v.* UNITED STATES (563 Fed. Appx. 295); FERNANDEZ-MONTANO *v.* UNITED STATES (562 Fed. Appx. 267); ALFARO-JIMENEZ *v.* UNITED STATES (563 Fed. Appx. 296); and ESTRADA-RODRIGUEZ *v.* UNITED STATES (563 Fed. Appx. 296). C. A. 5th Cir. Certiorari denied.

No. 13–10655. PAUL *v.* LAVALLEY, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 13–10656. GRIER *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 171 Wash. 2d 17, 246 P. 3d 1260.

No. 13–10659. BROWN *v.* FRAZIER, WARDEN. Super. Ct. Ware County, Ga. Certiorari denied.

No. 13–10660. SANCHEZ *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 623 Pa. 253, 82 A. 3d 943.

No. 13–10662. FLEMING *v.* TODMAN. Sup. Ct. V. I. Certiorari denied.

No. 13–10663. ANDERSON *v.* WENEROWICZ, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 13–10664. BULGIN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 843.

No. 13–10665. SMITH *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 13–10666. PORTER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 13–10667. PENA *v.* IVES, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10668. CHILDS *v.* STAFFORD, UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA. C. A. 9th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 353.

No. 13–10669. DEWHART *v.* BP MAJORITY. C. A. 11th Cir. Certiorari denied.

No. 13–10670. VARGAS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 13–10671. RICE *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. Reported below: 134 So. 3d 292.

No. 13–10672. ZAGRANSKI *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied.

No. 13–10673. TURNBULL *v.* TEXAS. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 13–10674. SWEAT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 292.

No. 13–10675. LLERENA-MOLINA *v.* HSBC BANK USA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 134 So. 3d 466.

No. 13–10676. GOYER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 414.

No. 13–10677. YOUNG *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 13–10678. HASSAN *v.* UNITED STATES; and
No. 14–5063. YAGHI *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 742 F. 3d 104.

No. 13–10679. WATSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 480.

No. 13–10680. TIEDEMANN *v.* BIGELOW, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 539 Fed. Appx. 860.

No. 13–10682. MITCHELL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 743 F. 3d 1054.

No. 13–10684. PADILLA-BATRES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 833.

No. 13–10685. OLSSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 742 F. 3d 855.

No. 13–10686. GILLIAM *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 13–10688. GISSENDANER *v.* SEABOLDT, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 735 F. 3d 1311.

No. 13–10689. LESONIK *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 13–10690. HILL *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2013 IL App (1st) 113610–U.

No. 13–10691. WEISS *v.* MINNESOTA. C. A. 8th Cir. Certiorari denied.

No. 13–10692. FORTUNE *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 13–10694. MASON *v.* EDMONDS, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 78.

No. 13–10696. RODGERS *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 13–10697. DUNCAN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 13–10698. MIGUEL DIEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 13–10700. CASTILLO-CHAVEZ, AKA GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 389.

No. 13–10701. CIUS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 742 F. 3d 1278.

No. 13–10703. MURRAY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 277.

No. 13–10704. MITCHELL *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 89 A. 3d 477.

No. 13–10705. GARCIA FLORES *v.* MCDONALD, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10707. HARRIS *v.* CARPENTER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10708. GARDING *v.* MONTANA. Sup. Ct. Mont. Certiorari denied. Reported below: 373 Mont. 16, 315 P. 3d 912.

No. 13–10709. FARMER *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10711. SMITH *v.* WASHINGTON. Ct. App. Wash. Certiorari denied.

No. 13–10712. PARKER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 13–10713. ESTELLE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 168.

No. 13–10714. SANCHEZ *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2013 IL App (1st) 112921–U.

No. 13–10715. HAIRSTON *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 624 Pa. 143, 84 A. 3d 657.

No. 13–10716. VENTRESS *v.* JAPAN AIRLINES ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 747 F. 3d 716.

No. 13–10717. GRADY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 746 F. 3d 846.

No. 13–10718. WOODSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 13–10720. BELL *v.* CASSADY, SUPERINTENDENT, JEFFERSON CITY CORRECTIONAL CENTER. Sup. Ct. Mo. Certiorari denied.

No. 13–10721. THURSBY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 495.

No. 13–10722. BETTS *v.* WASHINGTON. Ct. App. Wash. Certiorari denied.

No. 13–10723. ARAFAT, AKA WETSCH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 13–10724. BAIJU *v.* DEPARTMENT OF LABOR ET AL. C. A. 2d Cir. Certiorari denied.

No. 13–10725. BARAJAS *v.* MONTGOMERY, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 540 Fed. Appx. 759.

No. 13–10726. GIDDENS *v.* QUALLS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10727. SHERMAN *v.* WASHINGTON STATE JUDICIAL SYSTEM. C. A. 9th Cir. Certiorari denied. Reported below: 541 Fed. Appx. 735.

No. 13–10728. DOE, AKA CAMPBELL *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 741 F. 3d 217.

No. 13–10729. COLLIER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 13–10730. CHANCE *v.* CONNECTICUT. App. Ct. Conn. Certiorari denied. Reported below: 147 Conn. App. 598, 83 A. 3d 703.

No. 13–10733. PIERRE *v.* ERCOLE, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 560 Fed. Appx. 81.

No. 13–10734. MEEKS *v.* UNITED STATES; and
No. 14–5103. MEEKS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 742 F. 3d 841.

No. 13–10735. MCNEIL *v.* MARKUSKI ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 179.

No. 13–10736. BOCCONE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 215.

No. 13–10737. VARGAS-OCAMPO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 747 F. 3d 299.

No. 13–10738. WILSON *v.* SELMA WATER WORKS AND SEWER BOARD. C. A. 11th Cir. Certiorari denied.

No. 13–10739. GRAY *v.* SHEDD ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 621.

No. 13–10740. HOUSTON *v.* WRIGHT ET AL. C. A. 2d Cir. Certiorari denied.

No. 13–10741. Fawley *v.* Clarke, Director, Virginia Department of Corrections. C. A. 4th Cir. Certiorari denied. Reported below: 541 Fed. Appx. 301.

No. 13–10742. Tillman *v.* Michigan. Ct. App. Mich. Certiorari denied.

No. 13–10743. Hook *v.* Chandler, Warden. C. A. 5th Cir. Certiorari denied.

No. 13–10745. Fernandez *v.* Florida Department of Corrections. C. A. 11th Cir. Certiorari denied. Reported below: 537 Fed. Appx. 929.

No. 13–10746. Gilbert *v.* Ohio. Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied. Reported below: 2012-Ohio-5521.

No. 13–10747. Holley *v.* Padula, Warden. C. A. 4th Cir. Certiorari denied. Reported below: 513 Fed. Appx. 297.

No. 13–10748. Husband *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 544 Fed. Appx. 230.

No. 13–10749. Hemphill *v.* Neely, Superintendent, Piedmont Correctional Institution. C. A. 4th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 76.

No. 13–10750. Hutchinson *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 538 Fed. Appx. 282.

No. 13–10752. Gorman *v.* Buchanan. C. A. 6th Cir. Certiorari denied.

No. 13–10754. Goodman *v.* Muse et al. C. A. 4th Cir. Certiorari denied. Reported below: 540 Fed. Appx. 223.

No. 13–10755. Davis *v.* Texas. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 13–10761. Grant *v.* Florida. Sup. Ct. Fla. Certiorari denied. Reported below: 145 So. 3d 824.

No. 13–10762. Behrens *v.* Chase Home Finance. C. A. 8th Cir. Certiorari denied.

No. 13–10763. Golden *v.* Shearin, Warden, et al. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 32.

No. 13–10764. HARRIS *v.* MCSWAIN ET AL. C. A. 8th Cir. Certiorari denied.

No. 13–10765. BENOIT *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 730 F. 3d 280.

No. 13–10766. HARRIS *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 13–10767. FORD *v.* LEMKE, WARDEN, ET AL. C. A. 7th Cir. Certiorari denied.

No. 13–10768. LAMBRIX *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 139 So. 3d 298.

No. 13–10769. TOLLETTE *v.* CHATMAN, WARDEN. Super. Ct. Butts County, Ga. Certiorari denied.

No. 13–10770. COPPETA *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 2d Cir. Certiorari denied. Reported below: 552 Fed. Appx. 84.

No. 13–10771. DYSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 74.

No. 13–10772. SMITH *v.* ARNOLD, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 742 F. 3d 885.

No. 13–10773. SMITH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 933.

No. 13–10774. STEVENS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 747 F. 3d 399.

No. 13–10775. HARRIMAN *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 107.

No. 13–10776. FIKES *v.* SHEETS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 13–10777. GILBROOK *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 13–10778. HICKINGBOTTOM *v.* BROWN, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 13–10779. HENSON *v.* LEW, SECRETARY OF THE TREASURY. C. A. 5th Cir. Certiorari denied. Reported below: 550 Fed. Appx. 229.

No. 13–10780. SOU *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 13–10781. AUGUSTIN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 438.

No. 13–10782. BARNO *v.* PARAMO, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 543.

No. 13–10783. ROBINSON *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2013 IL App (1st) 102476, 2 N. E. 3d 383.

No. 13–10785. CRAIL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 540.

No. 13–10786. FRANCIS *v.* HOLDER, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied.

No. 13–10787. HOVARTER *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 13–10788. GIPSON *v.* JANECKA, WARDEN. Dist. Ct. N. M., Otero County. Certiorari denied.

No. 13–10789. HINCHLIFFE *v.* WELLS FARGO BANK. Super. Ct. Pa. Certiorari denied.

No. 13–10792. MALDONADO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 560 Fed. Appx. 110.

No. 13–10793. WOODS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 299.

No. 13–10794. MORFIN-DIAZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 557.

No. 13–10795. CARILLO-LUCAS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 822.

No. 13–10796. RUDOLPH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 291.

No. 13–10797. MCNAB *v.* NEW YORK ET AL. C. A. 2d Cir. Certiorari denied.

No. 13–10798. LATOS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 13–10799. BAZAZPOUR *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 13–10800. HENRY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 542 Fed. Appx. 617.

No. 13–10801. GAITOR *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 13–10802. GONZALES GALLEGOS *v.* MILLER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10805. NOBLE *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 13–10806. MELCHOR *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 13–10807. GRIFFIN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 520 Fed. Appx. 786.

No. 13–10808. PRUITT *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–2. FOSTER *v.* PITNEY BOWES CORP. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 549 Fed. Appx. 982.

No. 14–3. HOFFLER *v.* JACON ET AL. Ct. App. N. Y. Certiorari denied. Reported below: 22 N. Y. 3d 1166, 8 N. E. 3d 843.

No. 14–4. DOWNS *v.* FERRIOLO. C. A. 9th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 566.

No. 14–5. MRC INNOVATIONS, INC. *v.* HUNTER MFG., LLP, ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 747 F. 3d 1326.

No. 14–8. Alberto San, Inc. *v.* Consejo de Titulares del Condominio San Alberto et al. Sup. Ct. P. R. Certiorari denied.

No. 14–9. Ross *v.* Early et al. C. A. 4th Cir. Certiorari denied. Reported below: 746 F. 3d 546.

No. 14–10. Buecking *v.* Buecking, nka Westman. Sup. Ct. Wash. Certiorari denied. Reported below: 179 Wash. 2d 438, 316 P. 3d 999.

No. 14–11. DeHorse *v.* DeHorse et al. C. A. 4th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 226.

No. 14–12. Roberts *v.* United States et al. C. A. D. C. Cir. Certiorari denied. Reported below: 741 F. 3d 152.

No. 14–13. Smallwood *v.* Citibank (South Dakota), N. A. Cir. Ct. Washtenaw County, Mich. Certiorari denied.

No. 14–14. Avalos-Martinez *v.* Johnson, Secretary of Homeland Security. C. A. 5th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 385.

No. 14–16. Williams *v.* Leeds et al. C. A. 8th Cir. Certiorari denied. Reported below: 550 Fed. Appx. 356.

No. 14–17. Cupples *v.* Michigan. Ct. App. Mich. Certiorari denied.

No. 14–18. Carranza *v.* Skipper, Warden. C. A. 11th Cir. Certiorari denied.

No. 14–20. Jackson et al. *v.* City of New Orleans, Louisiana. Sup. Ct. La. Certiorari denied. Reported below: 2012–2742 (La. 1/28/14), 144 So. 3d 876.

No. 14–21. Marks *v.* Tennessee et al. C. A. 6th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 341.

No. 14–22. Rice *v.* Interfood, Inc., et al. C. A. 8th Cir. Certiorari denied.

No. 14–23. Warren *v.* Bank of America, N. A. C. A. 5th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 379.

No. 14–24. BOURNE *v.* ARRUDA ET AL. C. A. 1st Cir. Certiorari denied.

No. 14–25. NOWAK *v.* PELC ET VIR. C. A. 11th Cir. Certiorari denied.

No. 14–26. ADAMS ET UX. *v.* DISCOVER BANK. Int. Ct. App. Haw. Certiorari denied.

No. 14–31. WILLESS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 762.

No. 14–32. WATTS *v.* WELLS FARGO ADVISORS, LLC. C. A. 4th Cir. Certiorari denied. Reported below: 540 Fed. Appx. 229.

No. 14–33. SILVERBERG *v.* SIBLEY MEMORIAL HOSPITAL ET AL. Ct. App. D. C. Certiorari denied. Reported below: 80 A. 3d 685.

No. 14–34. SAMMARCO *v.* PRINCE GEORGE'S COUNTY PUBLIC SCHOOL BOARD. C. A. 4th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 200.

No. 14–36. RUDY *v.* LEE, DEPUTY DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE, ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 562 Fed. Appx. 964.

No. 14–37. SCHAEFER *v.* EIGHTH JUDICIAL DISTRICT COURT OF NEVADA, CLARK COUNTY, ET AL. Sup. Ct. Nev. Certiorari denied. Reported below: 130 Nev. 1240.

No. 14–38. CALUORI *v.* ONE WORLD TECHNOLOGIES, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 555 Fed. Appx. 995.

No. 14–39. OLSON ET VIR *v.* CITY OF CHICAGO, ILLINOIS. C. A. 7th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 641.

No. 14–40. BOWERS *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 748 F. 3d 1351.

No. 14–41. VANDENBERG *v.* VANDENBERG. Super. Ct. N. H., Cheshire County. Certiorari denied.

No. 14–42. VALENTINE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 591.

No. 14–43. MASCIANTONIO, DBA THERMOALL REMODELING *v.* UNITED STATES ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 528 Fed. Appx. 120.

No. 14–44. EMERSON ELECTRIC CO. ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS. C. A. Fed. Cir. Certiorari denied. Reported below: 559 Fed. Appx. 1007.

No. 14–45. O'CALLAGHAN *v.* NEW YORK STOCK EXCHANGE ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 11.

No. 14–50. ONYEABOR *v.* LEBR ASSOCIATES, LLC, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 535 Fed. Appx. 725.

No. 14–52. GREEN *v.* JPMORGAN CHASE BANK, N. A., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 238.

No. 14–53. HEFFNER ET AL. *v.* MURPHY ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 745 F. 3d 56.

No. 14–55. DIMORA *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 750 F. 3d 619.

No. 14–57. LAWRENCE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 520.

No. 14–58. ROCKWELL *v.* INDUSTRIAL COMMISSION OF ARIZONA ET AL. Ct. App. Ariz. Certiorari denied.

No. 14–61. A. A. *v.* L. R. F. Ct. App. La., 5th Cir. Certiorari denied. Reported below: 13–797 (La. App. 5 Cir. 2/26/14), 133 So. 3d 716.

No. 14–63. BONNER ET UX. *v.* CITY OF BRIGHTON, MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 495 Mich. 209, 848 N. W. 2d 380.

No. 14–64. BLANCA TELEPHONE CO. ET AL. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 743 F. 3d 860.

No. 14–65. CHORNEY *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–66. SMALLWOOD *v.* CITIBANK (SOUTH DAKOTA), N. A. Cir. Ct. Washtenaw County, Mich. Certiorari denied.

No. 14–67. QUINCER *v.* MELETIS, SUPERINTENDENT, PRINCE WILLIAM-MANASSAS ADULT DETENTION CENTER. C. A. 4th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 275.

No. 14–68. DEGENES *v.* ZAPPALA, DISTRICT ATTORNEY, ALLEGHENY COUNTY, PENNSYLVANIA, ET AL. Commw. Ct. Pa. Certiorari denied. Reported below: 77 A. 3d 725.

No. 14–69. TALEFF ET AL. *v.* SOUTHWEST AIRLINES CO. ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 598.

No. 14–70. BRAVERMAN *v.* DEWEY ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 558 Fed. Appx. 191.

No. 14–72. JAVAHERI *v.* JPMORGAN CHASE BANK, N. A. C. A. 9th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 611.

No. 14–73. MCINNISH ET AL. *v.* BENNETT, ALABAMA SECRETARY OF STATE. Sup. Ct. Ala. Certiorari denied. Reported below: 150 So. 3d 1045.

No. 14–74. BYERS *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. D. C. Cir. Certiorari denied. Reported below: 740 F. 3d 668.

No. 14–75. ROSADO *v.* DISTRICT ATTORNEY OF BERKS COUNTY, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–76. KHAN ET UX. *v.* HOLDER, ATTORNEY GENERAL. C. A. 8th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 566.

No. 14–78. QIU JIN LI *v.* HOLDER, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 540 Fed. Appx. 553.

No. 14–80. JONG SHIN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 560 Fed. Appx. 137.

No. 14–81. ITIOWE *v.* ROBERT WOOD JOHNSON UNIVERSITY HOSPITAL ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 556 Fed. Appx. 124.

No. 14–83. 4.360 ACRES OF LAND, MORE OR LESS, IN THE S/2 OF SECTION 29, TOWNSHIP 163 NORTH, RANGE 85 WEST, RENVILLE COUNTY, NORTH DAKOTA, ET AL. *v.* ALLIANCE PIPELINE L. P. C. A. 8th Cir. Certiorari denied. Reported below: 746 F. 3d 362.

No. 14–84. KEVORKIAN *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 14–85. THRASH *v.* MIAMI UNIVERSITY ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 549 Fed. Appx. 511.

No. 14–87. JOHNSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–88. GRADY *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 565 Fed. Appx. 870.

No. 14–89. ALPINE PCS, INC. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 563 Fed. Appx. 788.

No. 14–92. WOODFILL *v.* BURWELL, SECRETARY OF HEALTH AND HUMAN SERVICES. C. A. 6th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 473.

No. 14–94. MINERALS DEVELOPMENT & SUPPLY CO., INC., ET AL. *v.* SUPERIOR SILICA SANDS, LLC. Ct. App. Wis. Certiorari denied. Reported below: 2014 WI App 1, 352 Wis. 2d 246, 841 N. W. 2d 580.

No. 14–96. DODDS *v.* MICHIGAN DEPARTMENT OF HUMAN SERVICES ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–97. SANCHEZ *v.* LABATE ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 371.

No. 14–98. GILBERT *v.* DONAHOE, POSTMASTER GENERAL. C. A. 5th Cir. Certiorari denied. Reported below: 751 F. 3d 303.

No. 14–99. UNGER *v.* MICHIGAN. Cir. Ct. Benzie County, Mich. Certiorari denied.

No. 14–100. Lerner, Senior Judge, Court of Common Pleas of Pennsylvania, First Judicial District, et al. *v.* Corbett, Governor of Pennsylvania, et al. C. A. 3d Cir. Certiorari denied. Reported below: 564 Fed. Appx. 647.

No. 14–101. Wood *v.* Indiana. Ct. App. Ind. Certiorari denied. Reported below: 999 N. E. 2d 1054.

No. 14–107. Hector *v.* City of Fargo, North Dakota. Sup. Ct. N. D. Certiorari denied. Reported below: 2014 ND 53, 844 N. W. 2d 542.

No. 14–109. Smith *v.* United States. C. A. 9th Cir. Certiorari denied.

No. 14–112. Singh *v.* Michigan. Ct. App. Mich. Certiorari denied.

No. 14–113. Singh *v.* Michigan. Ct. App. Mich. Certiorari denied.

No. 14–118. Naselsky *v.* United States. C. A. 3d Cir. Certiorari denied. Reported below: 561 Fed. Appx. 155.

No. 14–121. Scott *v.* Frankel et al. C. A. 11th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 950.

No. 14–122. Cox *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 305.

No. 14–124. Herbert, Governor of Utah, et al. *v.* Kitchen et al. C. A. 10th Cir. Certiorari denied. Reported below: 755 F. 3d 1193.

No. 14–125. Price *v.* Bottom, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 334.

No. 14–128. Ranftle *v.* Leiby. Ct. App. N. Y. Certiorari denied. Reported below: 22 N. Y. 3d 1146, 7 N. E. 3d 500.

No. 14–129. Piver *v.* Massachusetts. App. Ct. Mass. Certiorari denied. Reported below: 85 Mass. App. 1102, 3 N. E. 3d 1119.

No. 14–135. Haines et al. *v.* Arthur E. Lange Revocable Trust et al. C. A. 2d Cir. Certiorari denied. Reported below: 561 Fed. Appx. 61.

No. 14–136. SMITH, COURT CLERK FOR TULSA COUNTY, OKLAHOMA *v.* BISHOP ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 760 F. 3d 1070.

No. 14–141. NORTHERN BUILDING CO. ET AL. *v.* HANOVER INSURANCE CO. C. A. 7th Cir. Certiorari denied. Reported below: 751 F. 3d 788.

No. 14–143. FARKAS *v.* GMAC MORTGAGE, LLC, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 737 F. 3d 338.

No. 14–147. DEWALD *v.* WRIGGELSWORTH. C. A. 6th Cir. Certiorari denied. Reported below: 748 F. 3d 295.

No. 14–153. RAINEY, VIRGINIA STATE REGISTRAR OF VITAL RECORDS *v.* BOSTIC ET AL.;

No. 14–225. SCHAEFER, CLERK OF COURT FOR NORFOLK CIRCUIT COURT *v.* BOSTIC ET AL.; and

No. 14–251. MCQUIGG, CLERK OF COURT FOR PRINCE WILLIAM COUNTY CIRCUIT COURT *v.* BOSTIC ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 760 F. 3d 352.

No. 14–154. LOCKERBY *v.* CITY OF TUCSON, ARIZONA, ET AL. Ct. App. Ariz. Certiorari denied.

No. 14–155. MCNEIL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 687.

No. 14–158. ADAMS ET AL. *v.* CITY OF INDIANAPOLIS, INDIANA. C. A. 7th Cir. Certiorari denied. Reported below: 742 F. 3d 720.

No. 14–159. BLAKE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 558 Fed. Appx. 129.

No. 14–162. MONZINGO *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 566 Fed. Appx. 972.

No. 14–166. PHELPS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–169. AYALA-VAZQUEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 751 F. 3d 1.

No. 14–170. WHITEHEAD *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 701.

No. 14–174. SETEVAGE *v.* DEPARTMENT OF HOMELAND SECURITY ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 539 Fed. Appx. 11.

No. 14–177. PILLARS *v.* PALMER, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 375.

No. 14–188. COLLYARD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 541.

No. 14–189. ESQUENAZI ET AL. *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 752 F. 3d 912.

No. 14–196. ADAMS *v.* VILLAGE OF HALES CORNERS, WISCONSIN. Ct. App. Wis. Certiorari denied. Reported below: 2014 WI App 24, 352 Wis. 2d 756, 843 N. W. 2d 711.

No. 14–201. CITY OF LOS ANGELES, CALIFORNIA, ET AL. *v.* CHAUDHRY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 751 F. 3d 1096.

No. 14–202. LISBON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 940.

No. 14–205. MEADE ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–219. WASHINGTON ET AL. *v.* COUNTRYWIDE HOME LOANS, INC. C. A. 8th Cir. Certiorari denied. Reported below: 747 F. 3d 955.

No. 14–222. JAMESON *v.* SAMUELS, DIRECTOR, FEDERAL BUREAU OF PRISONS. C. A. 10th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 743.

No. 14–229. BANKS ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 761 F. 3d 1163.

No. 14–277. BOGAN, BOONE COUNTY CLERK, ET AL. *v.* BASKIN ET AL.; and

No. 14–278. WALKER, GOVERNOR OF WISCONSIN, ET AL. *v.* WOLF ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 766 F. 3d 648.

No. 14–5002. SMITH, AKA YOUNG *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 547 Fed. Appx. 230.

No. 14–5003. TIRADO *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 109 App. Div. 3d 688, 970 N. Y. S. 2d 342.

No. 14–5004. WILSON *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 146 So. 3d 50.

No. 14–5005. KRISTON *v.* PEROULIS. C. A. 9th Cir. Certiorari denied. Reported below: 540 Fed. Appx. 807.

No. 14–5007. DORSEY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 272.

No. 14–5008. MURPHY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 776.

No. 14–5009. SOLOMON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 14–5010. MOSLEY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 743 F. 3d 1317.

No. 14–5011. MILLER *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5012. ANGEL MORA *v.* MCEWEN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5013. GLEASON *v.* DINGUS, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 312.

No. 14–5014. URIOSTEGUI-HERNANDEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–5015. WASHINGTON *v.* DENNEY, WARDEN, ET AL. C. A. 8th Cir. Certiorari denied.

No. 14–5016. WILLIAMS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 711.

No. 14–5017. THORESON *v.* SPEARMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5019. WEBB *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–5020. MADRID FLORES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 204.

No. 14–5021. McBride *v.* United States. C. A. 10th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 696.

No. 14–5022. Harris *v.* Hasse. C. A. 7th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 600.

No. 14–5025. Cromratie *v.* United States. C. A. 4th Cir. Certiorari denied.

No. 14–5026. Beasley *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 745.

No. 14–5027. Baron *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 341.

No. 14–5028. Botsvynyuk *v.* United States. C. A. 3d Cir. Certiorari denied. Reported below: 552 Fed. Appx. 178.

No. 14–5029. Slavin *v.* New York. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 14–5030. Hagos *v.* Raemisch, Executive Director, Colorado Department of Corrections, et al. C. A. 10th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 540.

No. 14–5031. Newkirk *v.* Shaw, Judge, et al. Sup. Ct. Va. Certiorari denied.

No. 14–5032. Chovan *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 735 F. 3d 1127.

No. 14–5033. Khouri *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 304.

No. 14–5034. Kyle *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 672.

No. 14–5035. Stitsky et al. *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 536 Fed. Appx. 98.

No. 14–5036. Son *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 949.

No. 14–5038. Alexander *v.* Cohen, Judge, Superior Court of Arizona, Maricopa County, et al. Sup. Ct. Ariz. Certiorari denied.

No. 14–5039. BROWN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 200.

No. 14–5041. WILLIAMS *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 215 Md. App. 769.

No. 14–5042. PERKINS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 746 F. 3d 590.

No. 14–5043. PETERSON *v.* COURT OF APPEALS OF WISCONSIN, DISTRICT II. Sup. Ct. Wis. Certiorari denied.

No. 14–5044. SHOCKLEY *v.* PIERCE, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–5046. GRESHAM *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 540 Fed. Appx. 593.

No. 14–5047. ALONZO J. *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 58 Cal. 4th 924, 320 P. 3d 1127.

No. 14–5048. ABLETT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 490.

No. 14–5049. RAMSEY *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5050. MOORE *v.* GEORGIA-PACIFIC CORP. Ct. App. Ga. Certiorari denied.

No. 14–5051. OBRIECHT *v.* RAEMISCH ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 535.

No. 14–5052. HOLLOWAY *v.* UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 14–5053. RODRIGUEZ *v.* PETRAKIS. Ct. App. N. M. Certiorari denied.

No. 14–5054. NOBLE *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 134 So. 3d 449.

No. 14–5055. UPCHURCH *v.* WARREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5056. WALTON *v.* LEE, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY. C. A. 5th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 254.

No. 14–5057. WARE *v.* HILL. C. A. 11th Cir. Certiorari denied.

No. 14–5058. TUAKALAU *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 604.

No. 14–5059. STRONG *v.* STEELE, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 737 F. 3d 506.

No. 14–5060. TIMES *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5061. VAUGHN *v.* BLANCHARD, WARDEN, ET AL. C. A. 5th Cir. Certiorari denied.

No. 14–5062. SPRUIEL, AKA SEALED DEFENDANT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 558 Fed. Appx. 48.

No. 14–5065. MADDOX *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 272.

No. 14–5067. LADD *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 748 F. 3d 637.

No. 14–5068. LOVEJOY *v.* CAIN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 14–5070. HENDERSON *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–5071. GONZALEZ *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 136 So. 3d 1125.

No. 14–5073. ROMAN NOSE *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 845 N. W. 2d 193.

No. 14–5074. GERMAIN *v.* SHEARIN ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 324.

No. 14–5075. CARRILLO-MORENO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 411.

No. 14–5076. PEREZ *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 14–5077. MCCOWN *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 14–5079. BRIDGES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–5081. SHADE *v.* UNITED STATES CONGRESS ET AL. C. A. D. C. Cir. Certiorari denied.

No. 14–5082. DOSCH *v.* WEBER, WARDEN. Sup. Ct. S. D. Certiorari denied.

No. 14–5083. SMITH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–5084. MAKWANA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 231.

No. 14–5088. BLUE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 549 Fed. Appx. 230.

No. 14–5089. JOHNSON *v.* BERGH, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5091. THOMAS *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 14–5093. HANKTON *v.* LOUISIANA. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 2012–0375 (La. App. 4 Cir. 8/2/13), 122 So. 3d 1028.

No. 14–5094. MANNING *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 723.

No. 14–5096. MIDDLETON *v.* SOUTH CAROLINA. Sup. Ct. S. C. Certiorari denied. Reported below: 407 S. C. 312, 755 S. E. 2d 432.

No. 14–5097. FLORES *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 739 F. 3d 337.

No. 14–5098. JOHNSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 749 F. 3d 417.

No. 14–5100. FULMER *v.* BUXENBAUM. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 109 App. Div. 3d 822, 971 N. Y. S. 2d 61.

No. 14–5101. PERMENTER *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–5104. PAUL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 155.

No. 14–5105. SHAHEED *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–5106. DAMES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 793.

No. 14–5107. TREISTMAN *v.* CAYLEY. Ct. App. N. Y. Certiorari denied. Reported below: 22 N. Y. 3d 1173, 8 N. E. 3d 851.

No. 14–5109. GUADARRAMA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 365.

No. 14–5110. WALLACE *v.* CAIN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 14–5111. WILLIAMS *v.* TEXAS. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 14–5112. ROBINSON *v.* BANK OF AMERICA, N. A. Sup. Ct. Fla. Certiorari denied. Reported below: 139 So. 3d 887.

No. 14–5114. STOUT *v.* LOUISIANA. Ct. App. La., 3d Cir. Certiorari denied.

No. 14–5115. MUNOZ *v.* SETON HEALTHCARE, INC., DBA SETON HEALTH NETWORK, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 314.

No. 14–5116. VILLA-RAMIREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–5117. BLACHER *v.* DIAZ. C. A. 9th Cir. Certiorari denied. Reported below: 541 Fed. Appx. 780.

No. 14–5118. Del Rosario *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 561 Fed. Appx. 68.

No. 14–5119. Crandell *v.* Cain, Warden. C. A. 5th Cir. Certiorari denied.

No. 14–5120. Daniels *v.* Caldwell. C. A. 4th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 159.

No. 14–5123. Chambers *v.* North Carolina Department of Juvenile Justice and Delinquency Prevention. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 699.

No. 14–5124. Anderson *v.* Dzurenda, Commissioner, Connecticut Department of Correction. App. Ct. Conn. Certiorari denied. Reported below: 148 Conn. App. 641, 85 A. 3d 1240.

No. 14–5125. Abrams *v.* Stephens, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied.

No. 14–5126. Viramontes *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 613.

No. 14–5127. Abdulla *v.* University of Arkansas at Little Rock. C. A. D. C. Cir. Certiorari denied. Reported below: 550 Fed. Appx. 7.

No. 14–5128. Lomeli *v.* Kane, Field Office Director, Phoenix, Arizona, Immigration and Customs Enforcement, et al. C. A. 9th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 632.

No. 14–5129. Park *v.* United States. C. A. 11th Cir. Certiorari denied.

No. 14–5130. Miller *v.* Janecka, Warden. C. A. 10th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 800.

No. 14–5131. Hatley *v.* United States. C. A. Armed Forces. Certiorari denied. Reported below: 73 M. J. 282.

No. 14–5133. Uriel Castaneda *v.* McEwen, Warden. C. A. 9th Cir. Certiorari denied.

No. 14–5134. EILER *v.* JOHN MORRELL & CO. (two judgments). Sup. Ct. S. D. Certiorari denied.

No. 14–5136. LYNCH *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 14–5137. SEWELL *v.* PRINCE GEORGE'S COUNTY DEPARTMENT OF SOCIAL SERVICES. C. A. 4th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 175.

No. 14–5138. SHELDON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 755 F. 3d 1047.

No. 14–5140. SCHEFFLER *v.* MOLIN ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 743 F. 3d 619.

No. 14–5141. AGUILAR *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 14–5144. KRAEMER *v.* GROUNDS, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–5145. KUSAK *v.* MCADAM ET AL. C. A. 2d Cir. Certiorari denied.

No. 14–5146. MANCIAGONZALEZ *v.* UNITED STATES. C. A. Armed Forces. Certiorari denied. Reported below: 73 M. J. 198.

No. 14–5147. JOHNSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 222.

No. 14–5148. MOSLEY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 707.

No. 14–5149. GUMBS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 562 Fed. Appx. 110.

No. 14–5150. HARTLEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5151. LOPEZ-MONJARAZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–5152. PARKER *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 134 So. 3d 456.

No. 14–5153. LAWSON *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–5154. MONTGOMERY *v.* CITY OF AMES, IOWA, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 749 F. 3d 689.

No. 14–5155. CAMPOS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–5156. PIERSON *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 426 S. W. 3d 763.

No. 14–5157. MULLINS *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–5158. MONTES *v.* ARIZONA ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5159. RIVERA *v.* SCHULTZ ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 500.

No. 14–5160. WORSHAM *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 158.

No. 14–5161. JORDAN *v.* RAPELJE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5162. LANG *v.* CAIN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 14–5163. SMITH *v.* CIRCUIT COURT OF WISCONSIN, MILWAUKEE COUNTY. Ct. App. Wis. Certiorari denied.

No. 14–5164. AMAYA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 750 F. 3d 721.

No. 14–5165. GREEN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 740 F. 3d 275.

No. 14–5166. EDWARDS *v.* PEARSON, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 338.

No. 14–5167. B. A. H. *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 845 N. W. 2d 158.

No. 14–5168. BLUE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 701.

No. 14–5169. RICHARD *v.* WENEROWICZ, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–5170. JOHNSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 256.

No. 14–5171. IKHARO *v.* DEWINE, ATTORNEY GENERAL OF OHIO. C. A. 6th Cir. Certiorari denied.

No. 14–5173. CABRERA-CANALES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 303.

No. 14–5174. COOPER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 750 F. 3d 263.

No. 14–5175. CULLUM *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2013 IL App (1st) 111776–U.

No. 14–5176. DERMENDZIEV *v.* UTTECHT, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5177. REULE *v.* COLONY INSURANCE CO. Ct. App. Tex., 14th Dist. Certiorari denied. Reported below: 407 S. W. 3d 402.

No. 14–5178. HERNANDEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 375.

No. 14–5180. BAJO-GONZALEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 641.

No. 14–5182. GRAVES *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 561 Fed. Appx. 1.

No. 14–5183. RETAMOZZO *v.* CITY OF NEW YORK, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 551 Fed. Appx. 12.

No. 14–5184. GRANJENO-ESPANOL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 191.

No. 14–5185. BUTLER *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 162 So. 3d 26.

No. 14–5186. BURLISON *v.* WILLIAMS ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 830.

No. 14–5187. JOHNSON *v.* UNEMPLOYMENT COMPENSATION BOARD OF REVIEW. Commw. Ct. Pa. Certiorari denied.

No. 14–5189. GARCIA-RODRIGUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 397.

No. 14–5190. NICOT *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 14–5192. SIMON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–5194. MAGANA-HERRERA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5195. ADAMS *v.* SHEPPARD PRATT HEALTH SYSTEM. C. A. 4th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 317.

No. 14–5196. BAXTER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 747 F. 3d 399.

No. 14–5197. JACKSON *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 14–5198. ROCHELL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5199. RUTH *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–5200. WHITLOW *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5201. JUNIOUS *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–5202. STALLWORTH *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 14–5203. JONES *v.* SINCLAIR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. C. A. 9th Cir. Certiorari denied. Reported below: 545 Fed. Appx. 615.

No. 14–5204. JOHNSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 745 F. 3d 866.

No. 14–5205. JENSEN *v.* DENNEY, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 14–5206. GRIGSBY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 749 F. 3d 908.

No. 14–5208. BYNOE *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 130 Nev. 1160.

No. 14–5209. WILHITE *v.* TEXAS. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 14–5210. WACKER *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 14–5211. HART *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–5212. GALLOWAY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 749 F. 3d 238.

No. 14–5213. FAULK *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–5214. MCCOY *v.* PEOPLE CARE INC. C. A. 2d Cir. Certiorari denied.

No. 14–5215. MCCLELLAND *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 14–5217. SCOTT *v.* DELAWARE DEPARTMENT OF FAMILY SERVICES. C. A. 3d Cir. Certiorari denied. Reported below: 530 Fed. Appx. 129.

No. 14–5218. MINK *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 807.

No. 14–5220. PADRON-STEELE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 218.

No. 14–5221. ESPINO-IBARRA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 487.

No. 14–5222. COLLINS *v.* URIBE, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 343.

No. 14–5223. MALLY, AKA GARCIA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–5224. LISH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 532.

No. 14–5226. VARELA-CRUZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 506.

No. 14–5228. BROWN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 174.

No. 14–5230. WRIGHT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 885.

No. 14–5231. WINGLE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 265.

No. 14–5232. QUILOPRAS *v.* FRAUENHEIM, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 718.

No. 14–5233. ROBINSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 197.

No. 14–5234. ZETINA-SANDOVAL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 498.

No. 14–5235. VILLALOBOS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 748 F. 3d 953 and 567 Fed. Appx. 541.

No. 14–5236. FOULKS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 747 F. 3d 914.

No. 14–5239. FATOUROS *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY. C. A. 3d Cir. Certiorari denied. Reported below: 549 Fed. Appx. 68.

No. 14–5240. JONES *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 628.

No. 14–5243. THOMAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 348.

No. 14–5244. TWEED *v.* BONDI, ATTORNEY GENERAL OF FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–5245. LEE *v.* ZATECKY, SUPERINTENDENT, PENDLETON CORRECTIONAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 14–5249. VAETH *v.* LAMONE. Ct. App. Md. Certiorari denied. Reported below: 438 Md. 739, 93 A. 3d 288.

No. 14–5250. RODGERS *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND. C. A. 4th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 265.

No. 14–5251. RODGERS *v.* SHEARIN, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 216.

No. 14–5252. SPANN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 237.

No. 14–5253. DUPREE *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 137 So. 3d 444.

No. 14–5255. MATTISON *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 623 Pa. 174, 82 A. 3d 386.

No. 14–5257. WALTERMAN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–5259. REYES-NAVARRO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 531.

No. 14–5260. YOUNG *v.* BICKELL, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–5261. BESS *v.* CAIN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 14–5262. ASKEW *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 564 Fed. Appx. 638.

No. 14–5263. ALEXANDER *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 14–5264. GONZALEZ-HEREDIA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 758.

No. 14–5266. GILLENWATER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 749 F. 3d 1094.

No. 14–5267. NOBLE *v.* LEAR SIEGLER SERVICES, INC. C. A. 5th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 275.

No. 14–5268. CRISOSTOMI *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–5269. SMITH *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2014 Ark. 204.

No. 14–5270. SIMMONS *v.* MILLER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5272. COLE *v.* TRAMMELL, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 755 F. 3d 1142.

No. 14–5274. DEMMITT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 300.

No. 14–5275. DUNCAN *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 467 Mass. 746, 7 N. E. 3d 469.

No. 14–5276. SHRADER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 303.

No. 14–5277. AITANG SEE *v.* FOULK, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5278. WALDRON *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2013 IL App (2d) 130407–U.

No. 14–5279. ROBINSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 744 F. 3d 293.

No. 14–5281. RANDLE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–5282. ROBEY *v.* KING COUNTY, WASHINGTON, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5283. MURPHY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 213.

No. 14–5284. NEWTON *v.* UNITED STATES. C. A. Armed Forces. Certiorari denied. Reported below: 73 M. J. 288.

No. 14–5285. BUTLER *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied. Reported below: 145 So. 3d 821.

No. 14–5286. BABERS *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5287. AMICK *v.* MISSOURI DIRECTOR OF REVENUE. Sup. Ct. Mo. Certiorari denied. Reported below: 428 S. W. 3d 638.

No. 14–5288. Ross *v.* United States. C. A. 6th Cir. Certiorari denied.

No. 14–5289. Brown *v.* Pennsylvania. Super. Ct. Pa. Certiorari denied. Reported below: 82 A. 3d 1058.

No. 14–5290. Barlow *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 261.

No. 14–5291. Robinson *v.* Riegler. C. A. 6th Cir. Certiorari denied.

No. 14–5292. Joseph *v.* Maryland. Ct. Sp. App. Md. Certiorari denied. Reported below: 214 Md. App. 757.

No. 14–5293. Moore *v.* United States. C. A. 8th Cir. Certiorari denied.

No. 14–5294. Obojes *v.* Crews, Secretary, Florida Department of Corrections, et al. C. A. 11th Cir. Certiorari denied.

No. 14–5296. Fulton *v.* United States. C. A. 5th Cir. Certiorari denied.

No. 14–5297. George *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 743 F. 3d 1278.

No. 14–5298. Lipsey *v.* Ducart, Warden. C. A. 9th Cir. Certiorari denied.

No. 14–5301. Woods *v.* Carey et al. C. A. 9th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 673.

No. 14–5303. Busby *v.* Illinois. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2013 IL App (1st) 113213–U.

No. 14–5304. Abdullah *v.* Bates et al. C. A. 7th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 526.

No. 14–5305. Swint *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 618.

No. 14–5306. Browning *v.* Klee, Warden. C. A. 6th Cir. Certiorari denied.

No. 14–5307. Cobler *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 748 F. 3d 570.

No. 14–5308. DOCKERY, AKA HARRIS *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 23 N. Y. 3d 89, 12 N. E. 3d 416.

No. 14–5309. BROWN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 757 F. 3d 183.

No. 14–5310. ALCANTARA *v.* FOULK, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 674.

No. 14–5312. DRAYTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 267 Fed. Appx. 192.

No. 14–5313. PINERO *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 467 Mass. 1105, 6 N. E. 3d 546.

No. 14–5314. PANIAGUA *v.* DAIL. C. A. 4th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 320.

No. 14–5315. COLEMAN *v.* CEDAR COAL CO. ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 234.

No. 14–5316. MAXFIELD *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–5317. GLASS *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–5318. YANKEY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 742.

No. 14–5321. SMITH *v.* LONG, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5322. MILLER *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 738 F. 3d 338.

No. 14–5324. LOPEZ ROSIER *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–5325. CHARRAN *v.* HOLDER, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied.

No. 14–5326. LARA-TORRES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 185.

No. 14–5327. GUSTAMA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 742 F. 3d 1278.

No. 14–5328. HOANG *v.* COLORADO. Sup. Ct. Colo. Certiorari denied. Reported below: 323 P. 3d 780.

No. 14–5329. THOMPSON *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 153 So. 3d 84.

No. 14–5330. ADAMS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 213.

No. 14–5331. SPUCK *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 714 A. 2d 1089.

No. 14–5332. ZOLICOFFER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 540.

No. 14–5335. PIERRE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 930.

No. 14–5339. ELIEZER ORTIZ *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 93 A. 3d 518.

No. 14–5341. CLAY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 919.

No. 14–5342. CORNEJO-JIMENEZ, AKA CORNAJO-JIMENEZ *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 480.

No. 14–5343. JORDAN *v.* TAYLOR, CORRECTIONAL ADMINISTRATOR I, PASQUOTANK CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 271.

No. 14–5344. JONES *v.* FOULK, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5345. SPARKS *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 92 A. 3d 333.

No. 14–5346. MAXEY *v.* BAKER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5348. REESE ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 745 F. 3d 1075.

No. 14–5350. DUNGEY *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 14–5351. CALHOUN *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 138 So. 3d 350.

No. 14–5352. DILLON *v.* DOOLEY, WARDEN, ET AL. C. A. 8th Cir. Certiorari denied.

No. 14–5353. BENCIVENGO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 749 F. 3d 205.

No. 14–5355. DILLON *v.* DOOLEY, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 14–5357. BERGERON *v.* BOYD. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied. Reported below: 223 Cal. App. 4th 877, 167 Cal. Rptr. 3d 426.

No. 14–5358. HARDY *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY, ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–5359. MCCOURT *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 146 So. 3d 53.

No. 14–5360. MCFARLAND *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 915.

No. 14–5362. YEPEZ LOPEZ *v.* MONTGOMERY, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5363. SALDANA *v.* FOULK, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5364. HARNED *v.* TAYLOR, SUPERINTENDENT, TWO RIVERS CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied.

No. 14–5367. MATHIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5368. HOLBROOK *v.* RONNIES LLC, DBA RONNY'S RV PARK. Sup. Ct. Fla. Certiorari denied. Reported below: 145 So. 3d 824.

No. 14–5369. BLACKMON *v.* ESCAMBIA COUNTY SCHOOL BOARD. C. A. 11th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 848.

No. 14–5370. WILLIAMSON *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 14–5371. WILSON *v.* MCCALL, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 199.

No. 14–5373. ZWEIFEL, NKA MEAD *v.* ZWEIFEL. Sup. Ct. Minn. Certiorari denied.

No. 14–5374. DAVIS *v.* NOOTH, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied.

No. 14–5376. HIRSCH *v.* NORTHWEST FARM CREDIT SERVICES. C. A. 9th Cir. Certiorari denied.

No. 14–5377. LEVI *v.* ANHEUSER-BUSCH INBEV OF LEUVEN, BELGIUM, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 583.

No. 14–5378. JOHNSON *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 117 So. 3d 1238.

No. 14–5379. REEVES *v.* BUTLER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–5380. BADAGLIACCA *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 14–5381. BOYD *v.* VARGO, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 210.

No. 14–5383. BOMBER *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–5384. BOWIE *v.* FRANKLIN, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 734.

No. 14–5385. ALFRED *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 138 So. 3d 440.

No. 14–5386. AUSLER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–5387. WILBORN *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2011 IL App (1st) 092802, 962 N. E. 2d 528.

No. 14–5389. JEFFRIES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 748 F. 3d 1310.

No. 14–5391. JACKSON *v.* LOCKE, WARDEN. Sup. Ct. Ill. Certiorari denied.

No. 14–5392. DELISI *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 3. Certiorari denied.

No. 14–5393. STEVENSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5394. EIDE *v.* BASKERVILLE, WARDEN. Sup. Ct. Va. Certiorari denied.

No. 14–5395. CORTINA *v.* TEXAS. Ct. App. Tex., 6th Dist. Certiorari denied.

No. 14–5396. RICHARDSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 546 Fed. Appx. 292.

No. 14–5397. WATTS *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 14–5398. THOMAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 311.

No. 14–5400. AWE *v.* CLARKE ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 54.

No. 14–5401. SULLIVAN *v.* KING, ACTING EXECUTIVE DIRECTOR, COALINGA STATE HOSPITAL. C. A. 9th Cir. Certiorari denied.

No. 14–5404. BUSH *v.* BALLARD, WARDEN. Sup. Ct. App. W. Va. Certiorari denied.

No. 14–5405. BORRUD *v.* ARIZONA. Super. Ct. Ariz., Coconino County. Certiorari denied.

No. 14–5406. DUMAS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–5407. DE LA CRUZ *v.* HOLDER, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied.

No. 14–5409. ISMAEL GONZALEZ *v.* DAVIS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5410. LONG *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 498.

No. 14–5412. CROFT *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2013 IL App (1st) 121473, 6 N. E. 3d 739.

No. 14–5413. DAVIS *v.* BROWN ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 556 Fed. Appx. 87.

No. 14–5414. FARRIS *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–5415. HARPER *v.* DONEHUE ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–5417. FLORES MERCADO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 297.

No. 14–5418. MOORE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 552 Fed. Appx. 44.

No. 14–5421. KAHYAOGLU *v.* CARITAS CARNEY HOSPITAL ET AL. App. Ct. Mass. Certiorari denied. Reported below: 84 Mass. App. 1107, 992 N. E. 2d 401.

No. 14–5422. FIELDER *v.* STEVENSON, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 540 Fed. Appx. 195.

No. 14–5424. PAEZ-VEGA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 840.

No. 14–5425. EVANS *v.* OHIO ET AL. Ct. App. Ohio, 9th App. Dist., Lorain County. Certiorari denied.

No. 14–5426. BARNETTE *v.* OHIO. Ct. App. Ohio, 7th App. Dist., Mahoning County. Certiorari denied.

No. 14–5427. YOUSEF *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 750 F. 3d 254.

No. 14–5428. THOMAS *v.* FIDELITY & GUARANTY LIFE INSURANCE CO. C. A. 11th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 803.

No. 14–5429. RACHUY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 743 F. 3d 205.

No. 14–5430. ROBY *v.* SALLIE MAE, INC., AS AGENT FOR SLM EDUCATION CREDIT FINANCE CORP. ET AL., ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5432. HUGHES *v.* TEXAS ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 192.

No. 14–5434. HERRERA *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–5435. GREENE *v.* COOPER, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 14–5436. FORD *v.* MCCALL, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 179.

No. 14–5437. NAVARRO FLORES *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 537 Fed. Appx. 812.

No. 14–5438. HALL *v.* KIRBY, WARDEN. C. A. 3d Cir. Certiorari denied. Reported below: 556 Fed. Appx. 72.

No. 14–5439. DAITCH *v.* TEXAS. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 14–5440. CREECH *v.* OHIO. Ct. App. Ohio, 4th App. Dist., Scioto County. Certiorari denied. Reported below: 2013-Ohio-3791.

No. 14–5441. CLARK *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 754 F. 3d 401.

No. 14–5443. FONSECA *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 14–5444. HOLT *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–5445. GATES *v.* ROGERS, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 14–5446. FANTUZZO *v.* TAYLOR, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5448. FRANKLIN *v.* BURR ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 535 Fed. Appx. 532.

No. 14–5449. HAMMOND *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 173 So. 3d 13.

No. 14–5451. FLINN *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 14–5452. HERRERA *v.* GIPSON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5454. HERNANDEZ *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 750 F. 3d 843.

No. 14–5455. B. T. W. *v.* MISSOURI DEPARTMENT OF SOCIAL SERVICES, CHILDREN'S DIVISION. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 422 S. W. 3d 381.

No. 14–5456. STEWART *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied. Reported below: 757 F. 3d 929.

No. 14–5458. LOTT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 750 F. 3d 214.

No. 14–5459. SATERFIELD *v.* HARRINGTON ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 597.

No. 14–5460. FOSTER *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 14–5461. GOODWIN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 541 Fed. Appx. 851.

No. 14–5462. FRILANDO *v.* UNITED STATES ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 538 Fed. Appx. 356.

No. 14–5463. GOMEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5464. HOFLAND *v.* STORY ET AL. Sup. Jud. Ct. Me. Certiorari denied.

No. 14–5465. GONZALEZ *v.* GROUNDS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5466. HOWELL *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 495 Mich. 935, 843 N. W. 2d 203.

No. 14–5467. GALLARDO *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–5468. IVY *v.* PARAMO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5469. FLOWERS *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 93 A. 3d 495.

No. 14–5470. ABEL *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5471. BARROW *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–5472. BARNES *v.* MERIT SYSTEMS PROTECTION BOARD. C. A. Fed. Cir. Certiorari denied. Reported below: 566 Fed. Appx. 909.

No. 14–5473. BRADLEY *v.* TURNER, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–5474. LLOVERA-LINARES *v.* FLORIDA. C. A. 11th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 949.

No. 14–5475. KHIEMDAVANH *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 14–5478. PLATERO *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 927.

No. 14–5480. MERINO *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 7. Certiorari denied.

No. 14–5481. NOLLEY *v.* TEXAS. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 14–5482. MCCRAY *v.* NEW YORK STATE DIVISION OF PAROLE. C. A. 2d Cir. Certiorari denied. Reported below: 573 Fed. Appx. 22.

No. 14–5483. ALVAREZ *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 709.

No. 14–5484. ANDERSON *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 14–5485. SULLEN *v.* WHITE, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 14–5486. ANTOINE *v.* MARTUSCELLO, SUPERINTENDENT, COXSACKIE CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 14–5487. COLEMAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 740.

No. 14–5488. CARCIERI ET VIR *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 467 Mass. 81, 3 N. E. 3d 1093.

No. 14–5489. SMITH *v.* KEMP, WARDEN. Super. Ct. Jenkins County, Ga. Certiorari denied.

No. 14–5490. PLEDGER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 791.

No. 14–5493. HAMPTON *v.* SCHWOCHERT, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 554.

No. 14–5496. FELICIANO *v.* MCKEE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5497. HOBBS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 550 Fed. Appx. 345.

No. 14–5500. FOURSTAR *v.* DECON ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5501. FOURSTAR *v.* FARLEY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5503. FERGUSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 14–5506. FIGUEROA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 723.

No. 14–5507. WILLIAMS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 10.

No. 14–5508. FINLEY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 726 F. 3d 483.

No. 14–5510. DIAZ-GALIANA, AKA DIAZ-ROSAS, AKA DIAZ ROSAS, AKA DIAZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 320.

No. 14–5511. FRAZIER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 547 Fed. Appx. 729.

No. 14–5512. MCCRAY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 247.

No. 14–5513. NAVARETTE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 305.

No. 14–5514. LUAN VAN NGUYEN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 322.

No. 14–5515. BLAND *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 842.

No. 14–5516. BUHOLTZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 213.

No. 14–5517. AL-SHIMARY *v.* GIDLEY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5518. BOMAR *v.* ROMANOWSKI, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5519. SPEED *v.* MEHAN ET AL. C. A. 8th Cir. Certiorari denied.

No. 14–5521. CORBETT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 750 F. 3d 245.

No. 14–5526. FLANNERY *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 84 Mass. App. 1134, 3 N. E. 3d 110.

No. 14–5528. HENDERSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 541 Fed. Appx. 312.

No. 14–5529. HARVEY *v.* FOLINO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–5530. FULLER *v.* TEDFORD. C. A. 2d Cir. Certiorari denied.

No. 14–5531. GARDNER *v.* TUCKER ET AL. C. A. 2d Cir. Certiorari denied.

No. 14–5534. JONES *v.* PALMER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5535. ROSARIO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 14–5537. LYTLE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 386.

No. 14–5538. KIMBLE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 850.

No. 14–5539. DEMPSEY *v.* SANDIN. Super. Ct. Pa. Certiorari denied. Reported below: 75 A. 3d 541.

No. 14–5540. CUELLAR-RAMIREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 358.

No. 14–5541. PONDS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 14–5542. MORRIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–5545. ROBINSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 352.

No. 14–5547. BEAULIEU *v.* JESSON, COMMISSIONER, MINNESOTA DEPARTMENT OF HUMAN SERVICES. C. A. 8th Cir. Certiorari denied.

No. 14–5551. JEEP *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–5552. MAHON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 733 F. 3d 294 and 543 Fed. Appx. 664.

No. 14–5553. ESPINOZA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 536 Fed. Appx. 833.

No. 14–5557. WINGEART *v.* BERGH, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5559. WILKINS, AKA BROWN *v.* COUNTY OF ALAMEDA, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 621.

No. 14–5560. HUGHES *v.* INDIANA ET AL. C. A. 7th Cir. Certiorari denied.

No. 14–5564. RAMLOCHAN *v.* PRITZKER, SECRETARY OF COMMERCE, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 549 Fed. Appx. 869.

No. 14–5565. SMITH *v.* SMITH. Sup. Ct. Va. Certiorari denied.

No. 14–5566. CLARK *v.* COMMISSIONER, HUMAN RESOURCES ADMINISTRATION. C. A. 2d Cir. Certiorari denied.

No. 14–5567. CHAMPION *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–5568. CLARK *v.* HUMAN RESOURCES ADMINISTRATION. C. A. 2d Cir. Certiorari denied.

No. 14–5569. AYELE *v.* G2 SECURE STAFF, LLC. App. Ct. Mass. Certiorari denied. Reported below: 84 Mass. App. 1136, 3 N. E. 3d 112.

No. 14–5571. BLACK *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 733 F. 3d 294 and 543 Fed. Appx. 664.

No. 14–5575. POSEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 341.

No. 14–5576. PLEDGER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 791.

No. 14–5577. VALLEJO-LUNA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 323.

No. 14–5579. FLANDERS *v.* MAINE. C. A. 1st Cir. Certiorari denied.

No. 14–5584. RAMIREZ-MIRANDA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 310.

No. 14–5585. JUR *v.* NEW HAMPSHIRE. Sup. Ct. N. H. Certiorari denied. Reported below: 166 N. H. 234, 94 A. 3d 283.

No. 14–5587. DAVIS *v.* THOMAS, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 558 Fed. Appx. 150.

No. 14–5588. DRUMMOND *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 87 A. 3d 374.

No. 14–5589. RIVAS *v.* ARNOLD, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 647.

No. 14–5590. STRONG *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5592. YAZZIE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 743 F. 3d 1278.

No. 14–5594. RALL *v.* AETNA LIFE INSURANCE CO. C. A. 10th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 753.

No. 14–5595. STEVENS *v.* MERCIER. Sup. Ct. N. H. Certiorari denied.

No. 14–5598. WINSTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 198.

No. 14–5599. SCHULTZ *v.* YOUNG, WARDEN, ET AL. C. A. 8th Cir. Certiorari denied.

No. 14–5600. FIGURIED *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 181.

No. 14–5603. SMITH *v.* UNITED STATES PAROLE COMMISSION ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 99.

No. 14–5604. IRIZARRY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 754.

No. 14–5605. KALIL *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 93 A. 3d 654.

No. 14–5606. LYONS *v.* RACETTE, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 571 Fed. Appx. 34.

No. 14–5607. ROBINSON *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 14–5608. MARTINEZ *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–5610. LAVELLE *v.* GIROUX, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MUNCY, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–5611. DIXON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 14–5613. COOK *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5614. CORTEZ-DIAZ *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 741.

No. 14–5615. COLLINS *v.* ADAMS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 771.

No. 14–5616. CALAFF *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 23 N. Y. 3d 89, 12 N. E. 3d 416.

No. 14–5617. JACKSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 751 F. 3d 707.

No. 14–5618. CARTER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 750 F. 3d 462.

No. 14–5619. PETERSON *v.* MABURY RANCH HOMEOWNERS ASSN. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 14–5620. WAMALA *v.* REILLY, WARDEN. C. A. 1st Cir. Certiorari denied.

No. 14–5622. SINGLETON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 565 Fed. Appx. 108.

No. 14–5623. SWANN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 237.

No. 14–5625. STEWART *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 130 So. 3d 231.

No. 14–5626. BARRETT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 195.

No. 14–5627. ALEXANDER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 733 F. 3d 294.

No. 14–5628. BROWN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 565 Fed. Appx. 98.

No. 14–5629. ARMSTRONG *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 87 A. 3d 369.

No. 14–5630. LOVE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 480.

No. 14–5633. MCCARTY *v.* WARREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5634. SCHUELLER *v.* WELLS FARGO & CO., DBA WELLS FARGO BANK, N. A., ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 733.

No. 14–5635. RAMIREZ-NEGRON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 751 F. 3d 42.

No. 14–5636. SESSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 607.

No. 14–5637. MORAWSKI *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 754 F. 3d 440.

No. 14–5639. TENORIO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–5640. VARGAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–5641. MARTINEZ *v.* ROMANOWSKI, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5650. REDD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 201.

No. 14–5651. RILEY *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–5652. PARKIN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 565 Fed. Appx. 149.

No. 14–5654. WASHINGTON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 458.

No. 14–5655. WHEELOCK *v.* MACOMBER, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 559.

No. 14–5656. RIVERA *v.* SMITH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 14–5659. MOORE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 172.

No. 14–5660. LEICHNER *v.* BATTS, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 80.

No. 14–5661. HALL *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 566 Fed. Appx. 133.

No. 14–5662. JOHNSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 450.

No. 14–5664. JOHNSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–5665. MULERO-TORRES, AKA MERCADO-AVILES *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–5666. REYES-SOTO *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 675.

No. 14–5667. BUCZEK *v.* CONSTRUCTIVE STATUTORY TRUST ET AL. C. A. 2d Cir. Certiorari denied.

No. 14–5668. BOOKER *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 291.

No. 14–5669. LEYBINSKY *v.* IMMIGRATION AND CUSTOMS ENFORCEMENT ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 553 Fed. Appx. 108.

No. 14–5670. MANNING *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 14–5672. MARTIN *v.* ALASKA. Ct. App. Alaska. Certiorari denied. Reported below: 297 P. 3d 896.

No. 14–5673. SOSA-JIMENEZ *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–5674. WOODS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 215.

No. 14–5677. SMITH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–5678. SIMS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5682. DVORAK *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–5684. RAYFORD *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 678.

No. 14–5686. WHITE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 571 Fed. Appx. 20.

No. 14–5687. VERTIL *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 566 Fed. Appx. 36.

No. 14–5688. BANCHS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 245.

No. 14–5689. REINA *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 565 Fed. Appx. 82.

No. 14–5690. SILVA *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5691. DINKENS *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 811.

No. 14–5692. WILLIAMS *v.* MILWAUKEE HEALTH SERVICES, INC. C. A. 7th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 523.

No. 14–5695. DEVERSO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5696. HARRIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 747 F. 3d 1013.

No. 14–5699. TORRES CASTILLA, AKA CATILLA, AKA URIAS SANCHEZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 193.

No. 14–5700. DIAZ-NAVARRO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 256.

No. 14–5702. BLUE *v.* UNITED STATES (Reported below: 556 Fed. Appx. 522); JOHNSON *v.* UNITED STATES (747 F. 3d 915); and GABRIEL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–5703. WILLIAMS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 621.

No. 14–5704. ALVARADO-MERCED *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 751 F. 3d 42.

No. 14–5707. TIBBS *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 14–5708. KRUEGER *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 14–5709. NUNEZ-GUZMAN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 507.

No. 14–5710. NASH *v.* MARYLAND. Ct. App. Md. Certiorari denied. Reported below: 439 Md. 53, 94 A. 3d 23.

No. 14–5711. BUSTILLO *v.* SAMUELS, DIRECTOR, FEDERAL BUREAU OF PRISONS, ET AL. C. A. 8th Cir. Certiorari denied.

No. 14–5712. WILLIAMS, AKA SHARIFE *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 138 So. 3d 450.

No. 14–5713. KELSON *v.* DEPARTMENT OF THE NAVY. C. A. 4th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 217.

No. 14–5714. ALBERTO MARQUEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 601.

No. 14–5715. HUGGINS *v.* NORTH CAROLINA DEPARTMENT OF ADMINISTRATION ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 219.

No. 14–5717. MCNAMARA *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 14–5718. CHISOLM *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5719. CORBITT *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 134 So. 3d 474.

No. 14–5720. CREWS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 345.

No. 14–5725. LORDMASTER, AKA GOLDADER *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 147.

No. 14–5727. DONELSON *v.* KIRBY, WARDEN. C. A. 3d Cir. Certiorari denied. Reported below: 566 Fed. Appx. 111.

No. 14–5733. OLSEN *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 180 Wash. 2d 468, 325 P. 3d 187.

No. 14–5736. OVERTON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 600 Fed. Appx. 303.

No. 14–5737. JONES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 210.

No. 14–5739. CASARES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 267.

No. 14–5740. WILLIAMS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 568.

No. 14–5743. RIDLEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 802.

No. 14–5749. PARKER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–5750. MANNEBACH *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 283.

No. 14–5753. PELLETIER *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–5755. DAVIS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 758.

No. 14–5758. JACKSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–5759. SERRATO-CESAREO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 704.

No. 14–5765. LAMB *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 339.

No. 14–5767. CAMP *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 226.

No. 14–5770. NESBITT *v.* HOUSTON, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES. C. A. 8th Cir. Certiorari denied.

No. 14–5773. ROYAL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 740 F. 3d 926.

No. 14–5774. ALFREDO PACHECO *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 5. Certiorari denied.

No. 14–5775. BLISS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 566 Fed. Appx. 49.

No. 14–5777. BOWIE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 174.

No. 14–5780. PILOTO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 907.

No. 14–5781. MCMILLAN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 744 F. 3d 1033.

No. 14–5782. CAIN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 257.

No. 14–5785. SMITH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 176.

No. 14–5787. ADAMS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 751 F. 3d 1175.

No. 14–5788. BLANTON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–5789. ANDERSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 277.

No. 14–5790. DEL VALLE-RODRIGUEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 761 F. 3d 171.

No. 14–5791. WRIGHT *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 564.

No. 14–5792. RAMBERT *v.* VARANO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–5797. KRASNIQI ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 555 Fed. Appx. 14.

No. 14–5800. PRICE *v.* CROSS, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–5801. LUNA *v.* DAVEY, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5804. FIELDS *v.* MERIT SYSTEMS PROTECTION BOARD ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 544 Fed. Appx. 981.

No. 14–5809. BILAUSKI *v.* STEELE, WARDEN, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 754 F. 3d 519.

No. 14–5817. PARTON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 749 F. 3d 1329.

No. 14–5821. CASTILLO-ALVARADO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 428.

No. 14–5823. DEUMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 414.

No. 14–5826. FRANCISCO NEVAREZ *v.* DUCART, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 749 F. 3d 1124.

No. 14–5827. ORTIZ LAZARO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 252.

No. 14–5828. MEJORADO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 267.

No. 14–5829. ORTIZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 894.

No. 14–5830. BRADLEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 868.

No. 14–5831. BURROWS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 889.

No. 14–5832. BULLOCK *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 576 Fed. Appx. 120.

No. 14–5833. ABAKAR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 613.

No. 14–5838. St. James *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 495.

No. 14–5839. Latos *v.* Commissioner of Internal Revenue. C. A. 1st Cir. Certiorari denied.

No. 14–5841. Vicente-Sapon *v.* United States. C. A. 6th Cir. Certiorari denied.

No. 14–5842. Wiggins *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 747 F. 3d 959.

No. 14–5843. Von Zenon *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 169.

No. 14–5844. Huguely *v.* United States. C. A. 6th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 360.

No. 14–5845. Ibarguen-Palacio *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 566 Fed. Appx. 40.

No. 14–5846. Gutierrez-Mendez *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 752 F. 3d 418.

No. 14–5847. Fuller *v.* United States. C. A. 10th Cir. Certiorari denied. Reported below: 751 F. 3d 1150.

No. 14–5848. Ford *v.* United States. C. A. 10th Cir. Certiorari denied. Reported below: 748 F. 3d 1024.

No. 14–5849. Fleek *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 247.

No. 14–5851. Hoover *v.* United States. C. A. 1st Cir. Certiorari denied.

No. 14–5852. Garcia *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 265.

No. 14–5856. Matthews *v.* Mikolaities et al. C. A. 1st Cir. Certiorari denied.

No. 14–5858. Clark *v.* City of New York Human Resources Administration. C. A. 2d Cir. Certiorari denied.

No. 14–5860. Juan Montelongo *v.* United States. C. A. 5th Cir. Certiorari denied.

No. 14–5861. BOYD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–5863. ALLEN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 175.

No. 14–5865. SCIUTTO *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 2. Certiorari denied.

No. 14–5873. MUSTAFA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 914.

No. 14–5874. LAGARES *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 554 Fed. Appx. 74.

No. 14–5875. MEDUNJANIN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 752 F. 3d 576.

No. 14–5878. MATTHEWS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–5879. FOX *v.* GEORGIA DEPARTMENT OF LABOR ET AL. Ct. App. Ga. Certiorari denied.

No. 14–5882. HARGROVE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 807.

No. 14–5883. HADDAD *v.* UNITED STATES (three judgments). C. A. 7th Cir. Certiorari denied.

No. 14–5885. PABLO GUTIERREZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 924.

No. 14–5886. HILL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–5888. MIGUEL HILARIO *v.* ENGLISH, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–5892. HALL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 61.

No. 14–5893. HORTON *v.* BUTLER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–5894. HIGGINS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5895. FAISON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 555 Fed. Appx. 60.

No. 14–5897. GRIFFITH *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 23 N. Y. 3d 1020, 16 N. E. 3d 1283.

No. 14–5898. HAWKINS *v.* HORAL, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 480.

No. 14–5899. HOUSTON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–5900. GRADNEY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 773.

No. 14–5903. RIVERS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 206.

No. 14–5908. EVANS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 537 Fed. Appx. 10.

No. 14–5909. COMMITTE *v.* FLORIDA BAR. Sup. Ct. Fla. Certiorari denied. Reported below: 136 So. 3d 1111.

No. 14–5911. ELLIOTT *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 757 F. 3d 492.

No. 14–5916. COOPER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–5917. AGUSTI CASTRO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 664.

No. 14–5918. DAVIS *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 92 A. 3d 334.

No. 14–5920. PARKER, AKA PARRIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 210.

No. 14–5921. JUAREZ-GOMEZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 750 F. 3d 370.

No. 14–5923. RAMOS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 763 F. 3d 45.

No. 14–5925. LAYNE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 83.

No. 14–5928. LEON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 585.

No. 14–5930. LIVINGSTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 263.

No. 14–5931. GOMEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 662.

No. 14–5932. SMITH *v.* FOULK, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 653.

No. 14–5933. MEMBRIDES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 859.

No. 14–5937. TRUCCHIO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 862.

No. 14–5938. WEBSTER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–5940. SEPULVEDA-BARRAZA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–5943. SMITH ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 749 F. 3d 465.

No. 14–5945. VIZCARRONDO-CASANOVA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 763 F. 3d 89.

No. 14–5946. WHITEHEAD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 758.

No. 14–5947. TALLEY ET AL. *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 760.

No. 14–5949. BAIRD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 571.

No. 14–5956. NEWTON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 902.

No. 14–5958. THOMAS *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 125 So. 3d 928.

No. 14–5960. BOWIE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 568 Fed. Appx. 90.

No. 14–5964. GONZALEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 540 Fed. Appx. 967.

No. 14–5965. CHRYSLER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 664.

No. 14–5967. CROSBY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–5968. RODRIGUEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 751 F. 3d 1244.

No. 14–5969. TEMPLE *v.* SOUTH CAROLINA. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 40.

No. 14–5976. ALFRED *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 138 So. 3d 459.

No. 14–5977. BOOKER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5990. RIDDICK *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–5992. KITT *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 91 A. 3d 566.

No. 14–5995. STURGIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–6009. CONDE-CASTANEDA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 753 F. 3d 172.

No. 14–6014. JIAU, AKA SEALED DEFENDANT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 734 F. 3d 147.

No. 14–6020. CRUMMY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 269.

No. 14–6021. SWIGER *v.* UNITED STATES. C. A. Armed Forces. Certiorari denied. Reported below: 73 M. J. 297.

No. 14–6023. AVILEZ *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 85 Mass. App. 1115, 6 N. E. 3d 571.

No. 14–6024. SWANSON *v.* WARD, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–6031. BROWN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 145.

No. 14–6034. WEBB *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 704.

No. 14–6037. WRIGHT *v.* PASTRANA, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 14–6038. RAMSEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6039. RAPER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–6040. ROBINSON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 753 F. 3d 31.

No. 14–6042. WHITFIELD *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 464 Fed. Appx. 525.

No. 14–6043. JEFFRIES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 167.

No. 14–6045. MENA *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 14–6047. THOMPSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 316.

No. 14–6050. CLARK *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–6054. GRANT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 753 F. 3d 480.

No. 14–6055. MEDELES-CAB *v.* UNITED STATES (Reported below: 754 F. 3d 316); RODRIGUEZ-BALVANEDA *v.* UNITED STATES (573 Fed. Appx. 305); and GONZALES-ROBLES *v.* UNITED STATES (573 Fed. Appx. 327). C. A. 5th Cir. Certiorari denied.

No. 14–6059. RIVAS ALVAREZ *v.* O'BRIEN, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 907.

No. 14–6062. ARTURO BUSTAMANTE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 721.

No. 14–6067. TUCKER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 151.

No. 14–6069. AKEFE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 568 Fed. Appx. 1.

No. 14–6070. APPLEWHITE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–6073. DOMINGUEZ-ARMAS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 249.

No. 14–6074. MCGILL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 339.

No. 14–6075. MONJARAS-NEGRETE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 377.

No. 14–6081. BONDO *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 752 F. 3d 470.

No. 14–6088. WASHINGTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 262.

No. 13–1234. AUGUTIS *v.* UNITED STATES. C. A. 7th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 732 F. 3d 749.

No. 13–1324. JAFFE, INSOLVENCY ADMINISTRATOR *v.* SAMSUNG ELECTRONICS CO., LTD., ET AL. C. A. 4th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 737 F. 3d 14.

No. 13–1348. NEBRASKA *v.* MANTICH. Sup. Ct. Neb. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 287 Neb. 320, 842 N. W. 2d 716.

No. 13–1366. LEVY GARDENS PARTNERS 2007, L. P. *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA ET AL. C. A. 5th Cir. Motion of petitioner for leave to supplement the questions presented denied. Certiorari denied.

No. 13–1374. TRAIL ENTERPRISES, INC., DBA WILSON OIL CO., ET AL. *v.* CITY OF HOUSTON, TEXAS. Ct. App. Tex., 14th Dist. Motion of California Independent Petroleum Association for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 377 S. W. 3d 873.

No. 13–1398. FEDDER *v.* ADDUS HEALTHCARE, INC., ET AL. C. A. 7th Cir. Motion of Equal Rights Advocates et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 551 Fed. Appx. 877.

No. 13–1405. REED *v.* PROCTER & GAMBLE MANUFACTURING CO. C. A. 6th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 556 Fed. Appx. 421.

No. 13–1419. CHAPLAINCY OF FULL GOSPEL CHURCHES ET AL. *v.* DEPARTMENT OF THE NAVY ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 738 F. 3d 425.

No. 13–1425. SEGAL *v.* ROGUE PICTURES ET AL. C. A. 9th Cir. Motion of California Society of Entertainment Lawyers for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 544 Fed. Appx. 769.

No. 13–1437. DEHLINGER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 740 F. 3d 315.

No. 13–1443. SMITH *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK ET AL. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 13–1478. HARVEST INSTITUTE FREEDMEN FEDERATION ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 547 Fed. Appx. 992.

No. 13–1488. BAKER, WARDEN *v.* BLAKE. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 745 F. 3d 977.

No. 13–1522. RBC BANK (USA) *v.* DASHER ET AL. C. A. 11th Cir. Certiorari denied. JUSTICE ALITO took no part in the con-

sideration or decision of this petition. Reported below: 745 F. 3d 1111.

No. 13–1523. PEARY, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SHUSTER *v.* DC COMICS. C. A. 9th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 545 Fed. Appx. 678.

No. 13–9516. HERRIOTT *v.* HERRIOTT. Ct. App. Cal., 2d App. Dist. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [573 U. S. 903] denied. Certiorari denied.

No. 13–10202. HAYES *v.* MINAJ ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 13–10230. ALSTON *v.* KEAN UNIVERSITY ET AL. C. A. 3d Cir. Certiorari before judgment denied.

No. 13–10298. CLARKE *v.* GROUNDS, WARDEN. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 550 Fed. Appx. 481.

No. 13–10381. JOHNSON *v.* OBAMA, PRESIDENT OF THE UNITED STATES, ET AL. C. A. 8th Cir. Certiorari before judgment denied. THE CHIEF JUSTICE, JUSTICE THOMAS, and JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 13–10541. GOWDY *v.* GILL. C. A. 9th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 13–10592. WINTERS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 13–10605. GLENN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 744 F. 3d 845.

No. 13–10611. NORWOOD *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consid-

eration or decision of this petition. Reported below: 557 Fed. Appx. 798.

No. 13–10645. BROWN *v.* MABUS, SECRETARY OF THE NAVY. C. A. D. C. Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 548 Fed. Appx. 623.

No. 13–10661. BROWN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 13–10681. GANT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 215 Fed. Appx. 836.

No. 13–10756. COLLINS, AKA TURNER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 13–10757. DONALDSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari before judgment denied.

No. 14–60. MINIFRAME LTD. *v.* MICROSOFT CORP. C. A. 2d Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 551 Fed. Appx. 1.

No. 14–127. RIVERA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 14–157. WILKINS *v.* GENERAL ELECTRIC CO. ET AL. C. A. Fed. Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 750 F. 3d 1324.

No. 14–5085. WILLIAMS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 564 Fed. Appx. 36.

No. 14–5099. UMALI *v.* CAPRA, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY, ET AL. C. A. 2d Cir. Motion of National Association of Criminal Defense Lawyers for leave to file

brief as *amicus curiae* granted. Certiorari denied. Reported below: 543 Fed. Appx. 50.

No. 14–5139. LYLES *v.* SEACOR MARINE, INC. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 555 Fed. Appx. 411.

No. 14–5365. LORENZANA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 14–5375. GALLANT *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 562 Fed. Appx. 712.

No. 14–5408. SMITH *v.* DUCART, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 14–5420. SCHOTZ *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–5447. GONZALEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 493 Fed. Appx. 541.

No. 14–5453. KAPORDELIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–5546. NAVAR *v.* HOLLINGSWORTH, WARDEN. C. A. 3d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 569 Fed. Appx. 139.

No. 14–5548. NORWOOD *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 566 Fed. Appx. 123.

No. 14–5647. ABAD *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 14–5658. RIOS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–5744. SCHWARTZ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–5814. CASS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–5859. LEE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–5872. BROWN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 14–5876. MARKS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 561 Fed. Appx. 42.

No. 14–5890. JORDAN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–5961. THOMAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 575 Fed. Appx. 512.

No. 14–5971. WILLIAMS *v.* ZICKEFOOSE, COMPLEX WARDEN. C. A. D. C. Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

Rehearing Denied

No. 13–1382. AGNEW ET UX. *v.* E*TRADE SECURITIES LLC, 573 U. S. 948;

No. 13–1400. KENDALL *v.* DONAHOE, POSTMASTER GENERAL, 573 U. S. 948;

No. 13–5967. MARTINEZ *v.* ILLINOIS, 572 U. S. 833;

No. 13–9725. SMITH *v.* MANASQUAN SAVINGS BANK ET AL., 573 U. S. 934;

No. 13–9745. WILLIAMS *v.* WASHINGTON, 573 U. S. 935;

No. 13–9782. MUHAMMAD *v.* HSBC BANK USA, N. A., ET AL., 573 U. S. 935;

No. 13–9906. AYELE *v.* EDUCATIONAL CREDIT MANAGEMENT CORP., 573 U. S. 910;

No. 13–9990. PHILLIPS *v.* FEDERAL BUREAU OF INVESTIGATION, 573 U. S. 952;

No. 13–10051. STOUTAMIRE *v.* MORGAN, WARDEN, 573 U. S. 936; and

No. 13–10214. MCDONALD *v.* UNITED STATES POSTAL SERVICE ET AL., 573 U. S. 938. Petitions for rehearing denied.

OCTOBER 8, 2014

Miscellaneous Order

No. 14A358. NORTH CAROLINA ET AL. *v.* LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA ET AL. Application to recall and stay the mandate of the United States Court of Appeals for the Fourth Circuit, case Nos. 14–1845, 14–1856, and 14–1859, presented to THE CHIEF JUSTICE, and by him referred to the Court, granted, and the preliminary injunction entered by the United States District Court for the Middle District of North Carolina on October 3, 2014, is hereby stayed pending the timely filing and disposition of a petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for writ of certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

JUSTICE GINSBURG, with whom JUSTICE SOTOMAYOR joins, dissenting.

I would deny the stay application.

For decades, § 5 of the Voting Rights Act of 1965, through its preclearance requirement, worked to safeguard long-obstructed access to the ballot by African-American citizens. In *Shelby County* v. *Holder*, 570 U. S. 529 (2013), this Court found the Act's § 4 coverage formula obsolete, a ruling that effectively nullified

§ 5's preclearance requirement. Immediately after the *Shelby County* decision, North Carolina enacted omnibus House Bill 589, which imposed voter identification requirements, cut short early voting by a week, prohibited local election boards from keeping the polls open on the final Saturday afternoon before elections, eliminated same-day voter registration, terminated preregistration of 16- and 17-year-olds in high schools, authorized any registered voter to challenge ballots cast early or on election day, and barred votes cast in the wrong precinct from being counted at all. These measures likely would not have survived federal preclearance. See 769 F. 3d 224, 242–243 (CA4 2014). The Court of Appeals determined that at least two of the measures—elimination of same-day registration and termination of out-of-precinct voting—risked significantly reducing opportunities for black voters to exercise the franchise in violation of § 2 of the Voting Rights Act. I would not displace that record-based reasoned judgment.

North Carolina places heavy reliance on the fact that African-American turnout during the 2014 primary election, governed by House Bill 589, increased compared to the 2010 primary election, governed by the prior law. Application 29. As the District Court recognized, however, that comparison "is of limited significance because of the many noted differences between primaries and general elections." *North Carolina State Conference of NAACP* v. *McCrory*, 997 F. Supp. 2d 322, 375, n. 72 (MDNC 2014). Unlike turnout in general elections during Presidential election years, turnout in off-year primary elections is highly sensitive to factors likely to vary from election to election. For example, in the 2014 primary election, North Carolina had contests for three open congressional seats, including in one of North Carolina's two majority-nonwhite congressional districts. There were no contests for open seats in 2010. An unprecedented $2 million was spent on a 2014 primary race for the State Supreme Court. And the race for the U. S. Senate seat that year drew significant attention and higher campaign spending in anticipation of a general election expected to be contested more vigorously than was the Senate seat in 2010. See Plaintiffs' Joint App. to Reply Brief in No. 13–658 (MDNC), Doc. 164, pp. 2783–2788, 2805–2806.

Accordingly, I would retain, pending full adjudication of this case, the preliminary injunction ordered by the Court of Appeals.

October 9, 2014

Miscellaneous Order

No. 14A352. Frank et al. *v.* Walker, Governor of Wisconsin, et al. Application to vacate the September 12, 2014, order of the United States Court of Appeals for the Seventh Circuit, presented to Justice Kagan, and by her referred to the Court, granted, and the Seventh Circuit's stay of the District Court's permanent injunction is vacated pending the timely filing and disposition of a petition for writ of certiorari respecting case Nos. 14–2058 and 14–2059. Should the petition for writ of certiorari be denied, this order shall terminate automatically. In the event the petition for writ of certiorari is granted, the order shall terminate upon the sending down of the judgment of this Court.

Justice Alito, with whom Justice Scalia and Justice Thomas join, dissenting.

There is a colorable basis for the Court's decision due to the proximity of the upcoming general election. It is particularly troubling that absentee ballots have been sent out without any notation that proof of photo identification must be submitted. But this Court "may not vacate a stay entered by a court of appeals unless that court clearly and 'demonstrably' erred in its application of 'accepted standards.'" *Planned Parenthood of Greater Tex. Surgical Health Servs.* v. *Abbott*, 571 U. S. 1061 (2013) (Scalia, J., concurring in denial of application to vacate stay) (quoting *Western Airlines, Inc.* v. *Teamsters*, 480 U. S. 1301, 1305 (1987) (O'Connor, J., in chambers); some internal quotation marks omitted). Under that test, the application in this case should be denied.

October 10, 2014

Miscellaneous Order

No. 14A374. Otter, Governor of Idaho, et al. *v.* Latta et al. C. A. 9th Cir. Application for stay, presented to Justice Kennedy, and by him referred to the Court, denied. The orders heretofore entered by Justice Kennedy are vacated.

October 14, 2014

Certiorari Granted—Vacated and Remanded

No. 14–5936. Vanegas *v.* United States. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis*

granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Riley* v. *California*, 573 U. S. 373 (2014). Reported below: 560 Fed. Appx. 191.

Certiorari Dismissed

No. 14–5578. WHEELER *v.* DESAUTEL ET AL. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*).

No. 14–5612. CLAIBORNE *v.* CALIFORNIA. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–5679. PUGH *v.* BALISH ET AL. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 564 Fed. Appx. 1010.

No. 14–5697. HUNTER *v.* FLORIDA DEPARTMENT OF FINANCIAL SERVICES. Dist. Ct. App. Fla., 1st Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 136 So. 3d 1218.

No. 14–5698. HUNTER *v.* DISTRICT COURT OF TEXAS, TRAVIS COUNTY (two judgments). Sup. Ct. Tex. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–5741. TARKINGTON *v.* CALIFORNIA. Sup. Ct. Cal. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. D–2776. IN RE DISBARMENT OF BELK. Disbarment entered. [For earlier order herein, see 573 U. S. 901.]

No. D–2812. IN RE DISBARMENT OF NALLS. Disbarment entered. [For earlier order herein, see 573 U. S. 985.]

No. 14A365. WHOLE WOMAN'S HEALTH ET AL. *v.* LAKEY, COMMISSIONER, TEXAS DEPARTMENT OF STATE HEALTH SERVICES, ET AL. Application to vacate stay of final judgment pending appeal, presented to JUSTICE SCALIA, and by him referred to the Court, granted in part and denied in part. The Court of Appeals for the Fifth Circuit's stay order with reference to the District Court's order enjoining the admitting-privileges requirement as applied to the McAllen and El Paso clinics is vacated. The Court of Appeals' stay order with reference to the District Court's order enjoining the ambulatory surgical center requirement is vacated. The application is denied in all other respects. JUSTICE SCALIA, JUSTICE THOMAS, and JUSTICE ALITO would deny the application in its entirety.

No. 14M34. SCOTT *v.* SWARTHOUT, WARDEN;

No. 14M35. YOUNG *v.* NOOTH, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION, ET AL.; and

No. 14M37. HUNTER *v.* UNITED STATES. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 13–684. JESINOSKI ET UX. *v.* COUNTRYWIDE HOME LOANS, INC., ET AL. C. A. 8th Cir. [Certiorari granted, 572 U. S. 1086.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 13–1361. SAMANTAR *v.* YOUSUF ET AL. C. A. 4th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–124. HERBERT, GOVERNOR OF UTAH, ET AL. *v.* KITCHEN ET AL. C. A. 10th Cir. Motion of Chris Sevier for leave to intervene denied.

No. 14–5574. PILGER *v.* BANK OF AMERICA, N. A. C. A. 9th Cir.;

No. 14–5642. JOHNSON *v.* DESJARDINS ET AL. Sup. Ct. Cal.;

No. 14–5738. PEI-YU YANG *v.* MARSHACK. C. A. 9th Cir.;

No. 14–5763. ASHMORE *v.* LEWIS. Ct. App. N. Y.;

No. 14–5948. ZINNI ET VIR *v.* JACKSON WHITE, PC, ET AL. C. A. 9th Cir.;

No. 14–5974. BLUME *v.* AMERICAN DAIRY QUEEN CORP. C. A. 8th Cir.;

No. 14–6019. MORAL *v.* HAGEN. C. A. 10th Cir.; and

No. 14–6063. LIVINGSTON *v.* OHIO BUREAU OF MOTOR VEHICLES. C. A. 6th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until November 4, 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.

No. 14–6190. IN RE CARDENAS LUNA;

No. 14–6228. IN RE EDWARDS; and

No. 14–6292. IN RE WILLIS. Petitions for writs of habeas corpus denied.

No. 14–145. IN RE VOELTZ;

No. 14–5555. IN RE TUCKER;

No. 14–5748. IN RE ZARYCHTA; and

No. 14–5751. IN RE MOORE. Petitions for writs of mandamus denied.

No. 14–5648. IN RE PRICE. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court's Rule 39.8.

No. 14–5596. IN RE SMITH. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus and/or prohibition dismissed. See this Court's Rule 39.8.

Certiorari Denied

No. 13–1274. RICHARDS *v.* ERNST & YOUNG, LLP. C. A. 9th Cir. Certiorari denied. Reported below: 744 F. 3d 1072.

No. 13–1309. BATTLES *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 745 F. 3d 436.

No. 13–1313. ASSOCIATION DES ELEVEURS DE CANARDS ET D'OIES DU QUEBEC ET AL. *v.* HARRIS, ATTORNEY GENERAL OF CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 729 F. 3d 937.

No. 13–1315. DUNLAP *v.* IDAHO. Sup. Ct. Idaho. Certiorari denied. Reported below: 155 Idaho 345, 313 P. 3d 1.

No. 13–1457. LINCOLN *v.* DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 744 F. 3d 911.

No. 13–1465. DUPRIS ET AL. *v.* PROCTOR ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 570.

No. 13–1474. ELECTRONIC FRONTIER FOUNDATION *v.* DEPARTMENT OF JUSTICE. C. A. D. C. Cir. Certiorari denied. Reported below: 739 F. 3d 1.

No. 13–8705. JOHNSON *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 13–9783. PURKEY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 729 F. 3d 860.

No. 13–9961. RODRIGUEZ-CASTELLON *v.* HOLDER, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 733 F. 3d 847.

No. 13–10039. AYOR *v.* HOLDER, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied. Reported below: 547 Fed. Appx. 460.

No. 13–10179. MORGANTI *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 467 Mass. 96, 4 N. E. 3d 241.

No. 13–10504. STRINGER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 546 Fed. Appx. 896.

No. 14–6. DANVILLE REDEVELOPMENT & HOUSING AUTHORITY *v.* CARNELL CONSTRUCTION CORP. ET AL.; and

No. 14–117. CARNELL CONSTRUCTION CORP. *v.* DANVILLE REDEVELOPMENT & HOUSING AUTHORITY ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 745 F. 3d 703.

No. 14–28. NAQUIN *v.* ELEVATING BOATS, L. L. C. C. A. 5th Cir. Certiorari denied. Reported below: 744 F. 3d 927.

No. 14–106. STEVENSON ET UX. *v.* FIRST AMERICAN TITLE INSURANCE CO. Sup. Ct. Wis. Certiorari denied. Reported below: 2014 WI 21, 353 Wis. 2d 377, 845 N. W. 2d 395.

No. 14–111. SMALLWOOD *v.* CITIBANK, N. A. Cir. Ct. Washtenaw County, Mich. Certiorari denied.

No. 14–115. SMITHRUD *v.* CITY OF ST. PAUL, MINNESOTA, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 746 F. 3d 391.

No. 14–119. LEITE ET AL. *v.* CRANE CO. ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 749 F. 3d 1117.

No. 14–120. HOLKESVIG *v.* GROVE. Sup. Ct. N. D. Certiorari denied. Reported below: 2014 ND 57, 844 N. W. 2d 557.

No. 14–126. SEABRON *v.* SEABRON. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 14–134. SMITH *v.* GEORGIA. Ct. App. Ga. Certiorari denied. Reported below: 325 Ga. App. 405, 750 S. E. 2d 758.

No. 14–137. MIROWSKI FAMILY VENTURES, LLC *v.* MEDTRONIC, INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 558 Fed. Appx. 998.

No. 14–138. TURNER *v.* NATIONAL COUNCIL OF STATE BOARDS OF NURSING, INC., ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 661.

No. 14–140. HSU *v.* CALIFORNIA STATE PERSONNEL BOARD ET AL. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 14–142. A&G COAL CORP. ET AL. *v.* INTEGRITY COAL SALES, INC. C. A. 2d Cir. Certiorari denied. Reported below: 565 Fed. Appx. 41.

No. 14–164. HASAN *v.* DEPARTMENT OF LABOR. C. A. 3d Cir. Certiorari denied. Reported below: 568 Fed. Appx. 120.

No. 14–173. DASHGIR *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–176. WELLS *v.* CHRYSLER GROUP LLC ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 512.

No. 14–184. APODACA *v.* CALIFORNIA. App. Div., Super. Ct. Cal., Sacramento County. Certiorari denied.

No. 14–186. MIRANDA *v.* BYLES. Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 390 S. W. 3d 543.

No. 14–187. ATALIG *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 662.

No. 14–190. BERTRAND *v.* MULLIN ET AL. Sup. Ct. Iowa. Certiorari denied. Reported below: 846 N. W. 2d 884.

No. 14–199. SCHAEFER *v.* UNION SAVINGS BANK. Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied. Reported below: 2013-Ohio-5704.

No. 14–203. JONES *v.* INDIANA. Ct. App. Ind. Certiorari denied.

No. 14–204. WEIGEL *v.* WISCONSIN OFFICE OF LAWYER REGULATION. Sup. Ct. Wis. Certiorari denied. Reported below: 2012 WI 124, 345 Wis. 2d 7, 823 N. W. 2d 798.

No. 14–215. CHAUDHRY *v.* JOHNSON, SECRETARY OF HOMELAND SECURITY, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 542 Fed. Appx. 570.

No. 14–216. CALHOUN *v.* SUTHERS, ATTORNEY GENERAL OF COLORADO. C. A. 10th Cir. Certiorari denied. Reported below: 745 F. 3d 1070.

No. 14–223. ATES, AKA WAVERLY *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. Reported below: 217 N. J. 253, 86 A. 3d 710.

No. 14–227. BASSMAN *v.* DISTRICT OF COLUMBIA OFFICE OF PLANNING. Ct. App. D. C. Certiorari denied. Reported below: 91 A. 3d 1048.

No. 14–228. MINACT, INC. *v.* MISSOURI DIRECTOR OF REVENUE. Sup. Ct. Mo. Certiorari denied. Reported below: 432 S. W. 3d 182.

No. 14–230. BARTLOW ET AL. *v.* COSTIGAN, DIRECTOR, ILLINOIS DEPARTMENT OF LABOR. Sup. Ct. Ill. Certiorari denied. Reported below: 2014 IL 115152, 13 N. E. 3d 1216.

No. 14–234. WILKERSON *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 93 A. 3d 246.

No. 14–236. BRISTER *v.* SMITH. C. A. 5th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 319.

No. 14–237. BROWN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 744 F. 3d 474.

No. 14–241. PHI CAM LUONG *v.* U. S. BANK N. A. C. A. 9th Cir. Certiorari denied.

No. 14–244. BLANTON ET AL. *v.* CONTINENTAL INSURANCE CO. C. A. 5th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 330.

No. 14–247. MILES, AKA LEE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 748 F. 3d 485.

No. 14–248. HOBGOOD *v.* MISSISSIPPI POWER CO., INC. Ct. App. Miss. Certiorari denied. Reported below: 130 So. 3d 133.

No. 14–249. RECHTZIGEL *v.* CITY OF APPLE VALLEY, MINNESOTA, ET AL. Sup. Ct. Minn. Certiorari denied.

No. 14–252. DECAY *v.* HOUSTON ET AL. Sup. Ct. Ga. Certiorari denied. Reported below: 295 Ga. 223, 758 S. E. 2d 286.

No. 14–254. PENINGER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 226.

No. 14–261. SARNO *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 746 F. 3d 273.

No. 14–262. MCMURRIN *v.* UNITED STATES. C. A. Armed Forces. Certiorari denied. Reported below: 73 M. J. 243.

No. 14–268. POLCHAN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 746 F. 3d 273.

No. 14–283. HICKS *v.* HUDSON INSURANCE CO. ET AL. Sup. Ct. Okla. Certiorari denied.

No. 14–288. PONCE RODRIGUEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 930 and 753 F. 3d 1206.

No. 14–5037. FRATTA *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 14–5102. RIVERA MUNOZ *v.* CITY OF BALCONES HEIGHTS, TEXAS, ET AL. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 14–5108. HERNANDEZ-REYES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 700.

No. 14–5265. HERNANDEZ-FLORES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 290.

No. 14–5340. RODRIGUEZ *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 58 Cal. 4th 587, 319 P. 3d 151.

No. 14–5476. STEWART *v.* TEXAS. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 14–5477. TURNER *v.* CALIFORNIA FORENSIC MEDICAL GROUP ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5491. GERMAIN *v.* ARNOLD ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 547 Fed. Appx. 353.

No. 14–5492. FRANK *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 14–5495. HAYES *v.* HILE ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 527 Fed. Appx. 565.

No. 14–5498. HICKMAN *v.* TEXAS. Ct. App. Tex., 12th Dist. Certiorari denied.

No. 14–5499. GARFIAS *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 424 S. W. 3d 54.

No. 14–5505. HARRIS *v.* GEORGIA. Ct. App. Ga. Certiorari denied. Reported below: 325 Ga. App. XXV.

No. 14–5509. HART *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–5522. HARRIS *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2013 IL App (1st) 120498, 996 N. E. 2d 128.

No. 14–5523. HARPER *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–5524. IRVING, AKA BARNES *v.* TEXAS. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 14–5525. FARMER *v.* TEXAS (four judgments). Ct. Crim. App. Tex. Certiorari denied.

No. 14–5533. HILL *v.* HERSHBERGER, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 547 Fed. Appx. 338.

No. 14–5543. PAIGE *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–5549. NIEVES *v.* DELAWARE ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–5550. MITCHELL *v.* HAAS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5558. WARITH *v.* GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY. C. A. 6th Cir. Certiorari denied.

No. 14–5561. HARRISON *v.* DANIELS, CORRECTIONAL ADMINISTRATOR, MAURY CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 34.

No. 14–5563. C. R. *v.* VERMONT ET AL. Sup. Ct. Vt. Certiorari denied. Reported below: 2014 VT 37, 196 Vt. 304, 97 A. 3d 867.

No. 14–5570. ALLEN *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 137 So. 3d 946.

No. 14–5572. AMIR-SHARIF *v.* UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS. C. A. 5th Cir. Certiorari denied.

No. 14–5573. MADDOX *v.* CITIMORTGAGE, INC. Sup. Ct. Del. Certiorari denied. Reported below: 93 A. 3d 654.

No. 14–5580. MARTINEZ *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–5581. BANKS *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 83 A. 3d 1064.

No. 14–5582. CARY *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–5583. DEGORSKI *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2013 IL App (1st) 100580, 998 N. E. 2d 637.

No. 14–5597. VENEGAS *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–5601. SMITH *v.* TEXAS. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 14–5602. ROBERSON *v.* RAY ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–5609. KEENE *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–5621. HUTCHINSON *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 14–5631. JOHNSON *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–5632. JACKSON *v.* MEMORIAL HOSPITAL OF GARDENA ET AL. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 14–5638. SUTTON *v.* SOTO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5643. MEDEARIS *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–5645. HITCHCOCK *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 745 F. 3d 476.

No. 14–5649. BENNETT *v.* WASHINGTON. Ct. App. Wash. Certiorari denied.

No. 14–5653. SOLOMON *v.* DAWSON, JUDGE, CIRCUIT COURT OF MARYLAND, SEVENTH JUDICIAL CIRCUIT. C. A. 4th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 273.

No. 14–5657. SIMMONS *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 625 Pa. 182, 91 A. 3d 102.

No. 14–5663. LANZ *v.* TEXAS. Ct. App. Tex., 13th Dist. Certiorari denied.

No. 14–5671. JONES-RANKINS *v.* CARDINAL HEALTH, INC., ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5675. SANDERSON *v.* MARSHALL, SHERIFF, MONTGOMERY COUNTY, ALABAMA, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–5676. Roby *v.* Frontier Enterprises, Inc. C. A. 5th Cir. Certiorari denied.

No. 14–5680. Maden *v.* Texas. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 14–5683. Werber *v.* Ohio. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2014-Ohio-609.

No. 14–5685. Sutton *v.* Caskey et al. C. A. 5th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 407.

No. 14–5694. Chapman *v.* Arizona. Ct. App. Ariz. Certiorari denied.

No. 14–5701. Cabot *v.* Illinois. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 112082–U.

No. 14–5716. Norwood *v.* Illinois. App. Ct. Ill., 4th Dist. Certiorari denied.

No. 14–5721. Leon *v.* Dunlop et al. C. A. 9th Cir. Certiorari denied.

No. 14–5722. Monbo *v.* Manufacturers & Traders Trust Co. Ct. Sp. App. Md. Certiorari denied. Reported below: 215 Md. App. 759 and 761.

No. 14–5723. Tyler *v.* Lazaroff, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 749 F. 3d 499.

No. 14–5724. Moody *v.* Chappell, Warden, et al. C. A. 9th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 588.

No. 14–5726. Cichocki et al. *v.* Massachusetts et al. C. A. 1st Cir. Certiorari denied.

No. 14–5728. Thomas *v.* Oregon et al. C. A. 9th Cir. Certiorari denied.

No. 14–5729. Arline *v.* Virginia. C. A. 4th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 257.

No. 14–5730. Baley *v.* Stephens, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied.

No. 14–5734. MANNARINO ET AL. *v.* BANK OF AMERICA, N. A., ET AL. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 14–5735. LEWIS *v.* DETROIT PUBLIC SCHOOLS ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–5745. TEPLITZ *v.* ALLEGHENY AUTO & TRUCK. Super. Ct. Pa. Certiorari denied.

No. 14–5746. WELVAERT *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–5747. THOMAS *v.* SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY. Sup. Ct. Cal. Certiorari denied.

No. 14–5752. KNOX *v.* TRAMMELL, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 654.

No. 14–5762. JOHNSON *v.* ARTUS, SUPERINTENDENT, WENDE CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 14–5778. CANTLEY *v.* PRELESNIK, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5779. TRIPLETT *v.* UNITED STATES POSTAL SERVICE ET AL. C. A. 8th Cir. Certiorari denied.

No. 14–5802. JOHNSON *v.* RAZDAN. C. A. 11th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 481.

No. 14–5813. DAVIS *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2014 Ark. 128.

No. 14–5815. DALTON *v.* WARREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5818. MITCHELL *v.* UNIVERSITY MEDICAL CENTER, INC., DBA UNIVERSITY OF LOUISVILLE HOSPITAL. C. A. 6th Cir. Certiorari denied.

No. 14–5857. CHRISTOPHERSON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 672.

No. 14–5871. SHIVERS *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 14–5881. GOODWILL *v.* RAPELJE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5889. JONES *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5905. BOLES *v.* SHELDON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5907. COTTER *v.* LAW OFFICES OF PAUL GERTZ, P. C. Ct. App. Colo. Certiorari denied.

No. 14–5914. KINLEY *v.* LAVALLEY, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 571 Fed. Appx. 30.

No. 14–5922. MEYER *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 14–5927. SOTO *v.* DAVEY, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 740.

No. 14–5929. PLAMONDON *v.* BURT, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5957. QUINN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 659.

No. 14–5962. DEVONE *v.* NATIONAL CASUALTY CO., INC. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 18.

No. 14–5986. MURRAY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–6001. HARRIS *v.* YBARRA. C. A. 9th Cir. Certiorari denied.

No. 14–6002. HOLDER *v.* MISSISSIPPI. Ct. App. Miss. Certiorari denied. Reported below: 137 So. 3d 884.

No. 14–6005. GARCIA *v.* GROUNDS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6006. FOSS *v.* MARTELL, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–6007. CHAPMAN *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 14–6008. CLARK *v.* OAKLEY ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 804.

No. 14–6012. SUBDIAZ-OSORIO *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 2014 WI 87, 357 Wis. 2d 41, 849 N. W. 2d 748.

No. 14–6015. RICHARDSON *v.* PFISTER, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 745 F. 3d 258.

No. 14–6016. VICTORY *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–6032. RODGERS *v.* VALENZUELA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6035. ROSSOUW *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 14–6041. BAILEY *v.* LEMKE, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 735 F. 3d 945.

No. 14–6056. NORFLEET *v.* SPILLER. C. A. 7th Cir. Certiorari denied.

No. 14–6057. STROUSE *v.* WILSON, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 115.

No. 14–6061. BARBER *v.* STEVENSON, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 735.

No. 14–6064. LYIMO *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 667.

No. 14–6076. PAGE *v.* MARTUSCELLO, SUPERINTENDENT, COXSACKIE CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 561 Fed. Appx. 118.

No. 14–6080. AIKENS *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 139 So. 3d 302.

No. 14–6082. WEST *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 240.

No. 14–6084. WHITE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 751 F. 3d 107.

No. 14–6091. LEE *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–6094. ANDERSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 568 Fed. Appx. 15.

No. 14–6097. MELBIE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 751 F. 3d 586.

No. 14–6099. STARKS *v.* BECHTOLD, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 869.

No. 14–6101. GONZALEZ-ARREOLA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 301.

No. 14–6102. GOMEZ-JIMENEZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 750 F. 3d 370.

No. 14–6103. FRENCH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 748 F. 3d 922.

No. 14–6104. HUMPHREY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 753 F. 3d 813.

No. 14–6105. HAITH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 167.

No. 14–6106. HANDS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 278.

No. 14–6111. MCGREW *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 342.

No. 14–6112. ROBINSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 134.

No. 14–6113. NETO *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS. C. A. 1st Cir. Certiorari denied.

No. 14–6118. GAYTAN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–6123. NICKSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 866.

No. 14–6124. PATE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 754 F. 3d 550.

No. 14–6125. BUCZEK *v.* CONSTRUCTIVE STATUTORY TRUST ET AL. C. A. 2d Cir. Certiorari denied.

No. 14–6128. RUSSELL *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–6130. COLONEL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6132. WILTSHIRE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 568 Fed. Appx. 135.

No. 14–6133. WALKER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 146.

No. 14–6134. YOUKELSONE *v.* FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER OF WASHINGTON MUTUAL BANK. C. A. D. C. Cir. Certiorari denied. Reported below: 560 Fed. Appx. 4.

No. 14–6137. CANO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 936.

No. 14–6140. YOUNG *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 561 Fed. Appx. 85.

No. 14–6141. TRUDEAU *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 562 Fed. Appx. 30.

No. 14–6144. KERR *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 752 F. 3d 206.

No. 14–6146. MATHIS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 568 Fed. Appx. 149.

No. 14–6148. ECKSTROM *v.* VALENZUELA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6149. JOHNSON *v.* MASSACHUSETTS. Super. Ct. Mass., Suffolk County. Certiorari denied.

No. 14–6153. CHAMBLISS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 561 Fed. Appx. 85.

No. 14–6157. PORTILLO-VEGA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 757.

No. 14–6158. SNIPES *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied.

No. 14–6159. KALLAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 751.

No. 14–6160. KING *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 751 F. 3d 1268.

No. 14–6161. LIENDO-SAUCEDO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 433.

No. 14–6162. MCLEAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 653.

No. 14–6167. CROSBY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 568 Fed. Appx. 118.

No. 14–6172. MUSGROVE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 164.

No. 14–6173. SANCHEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 268.

No. 14–6179. SOLIS-VENEGAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 431.

No. 14–6180. RODRIGUEZ-VALENCIA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 753 F. 3d 801.

No. 14–6181. MOORE *v.* STEWARD, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6187. PEREZ-CRESPO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 557 Fed. Appx. 6.

No. 14–6192. HULLABY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 736 F. 3d 1260 and 552 Fed. Appx. 620.

No. 14–6193. HOWELL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 579.

No. 14–6194. HONAKER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 929.

No. 14–6195. FREEMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 559.

No. 14–6196. FIELDS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 763 F. 3d 443.

No. 14–6197. HANNA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 749 F. 3d 914.

No. 14–6198. HYLES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 754 F. 3d 530.

No. 14–6202. ETHRIDGE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 269.

No. 14–6203. SHOWALTER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 640.

No. 14–6206. EUGENE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6208. EVERETT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 129.

No. 14–6210. DAVIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 753 F. 3d 1361.

No. 14–6216. MENDOZA-CANO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 222.

No. 14–6220. THOMAS *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 738 F. 3d 361.

No. 14–6221. WEAVER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 727.

No. 14–6231. MANESS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 253.

No. 14–6239. DELEON, AKA DELEON, AKA RODRIGUEZ *v.* UNITED STATES (Reported below: 573 Fed. Appx. 358); IGLESIAS-VASQUEZ *v.* UNITED STATES (573 Fed. Appx. 318); MORENO-PRETEL *v.* UNITED STATES (580 Fed. Appx. 272); and ESPINOZA *v.* UNITED STATES (581 Fed. Appx. 351). C. A. 5th Cir. Certiorari denied.

No. 14–6243. LUIS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 537 Fed. Appx. 752.

No. 14–6244. LYONS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 567.

No. 14–6245. ROJAS-OLIVERA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 249.

No. 14–6247. RAMIREZ *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 754 F. 3d 460.

No. 14–6249. BROWN *v.* FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 14–6253. MUZIO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 757 F. 3d 1243.

No. 14–6254. ORTIZ-BAEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 13–10026. JONES ET AL. *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 744 F. 3d 1362.

JUSTICE SCALIA, with whom JUSTICE THOMAS and JUSTICE GINSBURG join, dissenting.

A jury convicted petitioners Joseph Jones, Desmond Thurston, and Antwuan Ball of distributing very small amounts of crack cocaine, and acquitted them of conspiring to distribute drugs. The sentencing judge, however, found that they *had* engaged in the charged conspiracy and, relying largely on that finding, imposed sentences that petitioners say were many times longer than those the Guidelines would otherwise have recommended.

Petitioners present a strong case that, but for the judge's finding of fact, their sentences would have been "substantively unreasonable" and therefore illegal. See *Rita* v. *United States*, 551 U. S. 338, 372 (2007) (SCALIA, J., joined by THOMAS, J., concurring in part and concurring in judgment). If so, their constitutional rights were violated. The Sixth Amendment, together with the Fifth Amendment's Due Process Clause, "requires that each element of a crime" be either admitted by the defendant, or "proved to the jury beyond a reasonable doubt." *Alleyne* v. *United States*, 570 U. S. 99, 104 (2013). Any fact that increases the penalty to which a defendant is exposed constitutes an element of a crime, *Apprendi* v. *New Jersey*, 530 U. S. 466, 483, n. 10, 490 (2000), and "must be found by a jury, not a judge," *Cunningham* v. *California*, 549 U. S.

270, 281 (2007).* We have held that a substantively unreasonable penalty is illegal and must be set aside. *Gall* v. *United States*, 552 U. S. 38, 51 (2007). It unavoidably follows that any fact necessary to prevent a sentence from being substantively unreasonable—thereby exposing the defendant to the longer sentence—is an element that must be either admitted by the defendant or found by the jury. It *may not* be found by a judge.

For years, however, we have refrained from saying so. In *Rita* v. *United States*, we dismissed the possibility of Sixth Amendment violations resulting from substantive reasonableness review as hypothetical and not presented by the facts of the case. We thus left for another day the question whether the Sixth Amendment is violated when courts impose sentences that, but for a judge-found fact, would be reversed for substantive unreasonableness. 551 U. S., at 353; see also *id.*, at 366 (Stevens, J., joined in part by GINSBURG, J., concurring) ("Such a hypothetical case should be decided if and when it arises"). Nonetheless, the Courts of Appeals have uniformly taken our continuing silence to suggest that the Constitution *does* permit otherwise unreasonable sentences supported by judicial factfinding, so long as they are within the statutory range. See, *e. g.*, *United States* v. *Benkahla*, 530 F. 3d 300, 312 (CA4 2008); *United States* v. *Hernandez*, 633 F. 3d 370, 374 (CA5 2011); *United States* v. *Ashqar*, 582 F. 3d 819, 824–825 (CA7 2009); *United States* v. *Treadwell*, 593 F. 3d 990, 1017–1018 (CA9 2010); *United States* v. *Redcorn*, 528 F. 3d 727, 745–746 (CA10 2008).

This has gone on long enough. The present petition presents the nonhypothetical case the Court claimed to have been waiting for. And it is a particularly appealing case, because not only did no jury convict these defendants of the offense the sentencing judge thought them guilty of, but a jury *acquitted* them of that offense. Petitioners were convicted of distributing drugs, but acquitted of conspiring to distribute drugs. The sentencing judge found that petitioners had engaged in the conspiracy of which the jury acquitted them. The Guidelines, petitioners claim, recommend sentences of between 27 and 71 months for their distribution

*With one exception: We held in *Almendarez-Torres* v. *United States*, 523 U. S. 224 (1998), that the fact of a prior conviction, even when it increases the sentence to which the defendant is exposed, may be found by a judge. But see *id.*, at 248 (SCALIA, J., dissenting); *Rangel-Reyes* v. *United States*, 547 U. S. 1200, 1202 (2006) (THOMAS, J., dissenting from denial of certiorari).

convictions. But in light of the conspiracy finding, the court calculated much higher Guidelines ranges, and sentenced Jones, Thurston, and Ball to 180, 194, and 225 months' imprisonment.

On petitioners' appeal, the D. C. Circuit held that *even if* their sentences would have been substantively unreasonable but for judge-found facts, their Sixth Amendment rights were not violated. 744 F. 3d 1362, 1369 (2014). We should grant certiorari to put an end to the unbroken string of cases disregarding the Sixth Amendment—or to eliminate the Sixth Amendment difficulty by acknowledging that all sentences below the statutory maximum are substantively reasonable.

No. 14–221. SIGRAM SCHINDLER BETEILIGUNGSGESELLSCHAFT MBH *v.* CISCO SYSTEMS, INC., ET AL. C. A. Fed. Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 557 Fed. Appx. 963.

No. 14–5504. GARCIA RODRIGUEZ *v.* RUNNELS, WARDEN. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 14–5732. BOONE *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–6116. HALL *v.* DANIELS, WARDEN. C. A. 10th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 545 Fed. Appx. 754.

No. 14–6117. GRUBBS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 565 Fed. Appx. 278.

No. 14–6185. MINCOFF *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 552 Fed. Appx. 660.

Rehearing Denied

No. 13–8235. IN RE HAAG, 571 U. S. 1195. Petition for rehearing denied.

October 17, 2014

Miscellaneous Orders

No. 14A390. French *v.* McLean, Chair of Montana's Judicial Standards Commission, et al. Application for an injunction, presented to Justice Kennedy, and by him referred to the Court, denied.

No. 14A413. Parnell, Governor of Alaska, et al. *v.* Hamby et al. D. C. Alaska. Application for stay, presented to Justice Kennedy, and by him referred to the Court, denied.

October 18, 2014

Miscellaneous Order

No. 14A393. Veasey et al. *v.* Perry, Governor of Texas, et al.;

No. 14A402. Texas State Conference of NAACP Branches et al. *v.* Berry, Texas Secretary of State, et al.; and

No. 14A404. United States *v.* Texas et al. Applications to vacate the stay entered by the United States Court of Appeals for the Fifth Circuit on October 14, 2014, presented to Justice Scalia, and by him referred to the Court, denied. Motion for leave to file the response to the applications under seal with redacted copies for the public record granted.

Justice Ginsburg, with whom Justice Sotomayor and Justice Kagan join, dissenting.

I would vacate the Fifth Circuit's stay of the District Court's final judgment enjoining the enforcement of Senate Bill 14.

These cases are unlike the Ohio and North Carolina applications recently before the Court concerning those States' election procedures. Neither application involved, as these cases do, a permanent injunction following a full trial and resting on an extensive record from which the District Court found ballot-access discrimination by the State. I would not upset the District Court's reasoned, record-based judgment, which the Fifth Circuit accorded slim, if any, deference. Cf. *Purcell* v. *Gonzalez*, 549 U. S. 1, 5 (2006) (*per curiam*) (Court of Appeals erred in failing to accord deference to "the ruling and findings of the District Court"). The fact-intensive nature of these cases does not justify the Court of

Appeals' stay order; to the contrary, the Fifth Circuit's refusal to home in on the facts found by the District Court is precisely why this Court should vacate the stay.

Refusing to evaluate defendants' likelihood of success on the merits and, instead, relying exclusively on the potential disruption of Texas' electoral processes, the Fifth Circuit showed little respect for this Court's established stay standards. See *Nken* v. *Holder*, 556 U. S. 418, 434 (2009) ("most critical" factors in evaluating request for a stay are applicant's likelihood of success on the merits and whether applicant would suffer irreparable injury absent a stay). *Purcell* held only that courts must take careful account of considerations specific to election cases, 549 U. S., at 4, not that election cases are exempt from traditional stay standards.

In any event, there is little risk that the District Court's injunction will in fact disrupt Texas' electoral processes. Texas need only reinstate the voter identification procedures it employed for ten years (from 2003 to 2013) and in five federal general elections. To date, the new regime, Senate Bill 14, has been applied in only three low-participation elections—namely, two statewide primaries and one statewide constitutional referendum, in which voter turnout ranged from 1.48% to 9.98%. The November 2014 election would be the very first federal general election conducted under Senate Bill 14's regime. In all likelihood, then, Texas' poll workers are at least as familiar with Texas' pre-Senate Bill 14 procedures as they are with the new law's requirements.

True, in *Purcell* and in recent rulings on applications involving voting procedures, this Court declined to upset a State's electoral apparatus close to an election. Since November 2013, however, when the District Court established an expedited schedule for resolution of these cases, Texas knew full well that the court would issue its ruling only weeks away from the election. The State thus had time to prepare for the prospect of an order barring the enforcement of Senate Bill 14. Of greater significance, the District Court found "woefully lacking" and "grossly" underfunded the State's efforts to familiarize the public and poll workers regarding the new identification requirements. No. 13–cv–00193 (SD Tex., Oct. 9, 2014), pp. 20, 31–32, 91, n. 398 (Op.). Furthermore, after the District Court's injunction issued and despite the State's application to the Court of Appeals for a stay, Texas stopped issuing alternative "election identification certificates" and completely removed mention of Senate Bill 14's requirements from govern-

ment Web sites. See Emergency Application To Vacate Fifth Circuit Stay of Permanent Injunction 11 and App. H. In short, any voter confusion or lack of public confidence in Texas' electoral processes is in this instance largely attributable to the State itself.

Senate Bill 14 replaced the previously existing voter identification requirements with the strictest regime in the country. Op. 20–21. The bill requires in-person voters to present one of a limited number of government-issued photo identification documents. *Ibid.* Texas will not accept several forms of photo ID permitted under the Wisconsin law the Court considered last week.* For example, Wisconsin's law permits a photo ID from an in-state four-year college and one from a federally recognized Indian tribe. Texas, under Senate Bill 14, accepts neither. Those who lack the approved forms of identification may obtain an "election identification certificate" from the Texas Department of Public Safety (DPS), but more than 400,000 eligible voters face round-trip travel times of three hours or more to the nearest DPS office. *Id.*, at 18, 76. Moreover, applicants for an election identification certificate ordinarily must present a certified birth certificate. *Id.*, at 70. A birth certificate, however, can be obtained only at significant cost—at least $22 for a standard certificate sent by mail. *Id.*, at 22. And although, for voting purposes, reduced-fee birth certificates may be obtained for $2 to $3, the State did not publicize that option on DPS's Web site or on Department of Health and Human Services forms for requesting birth certificates. *Id.*, at 70.

On an extensive factual record developed in the course of a nine-day trial, the District Court found Senate Bill 14 irreconcilable with § 2 of the Voting Rights Act of 1965 because it was enacted with a racially discriminatory purpose and would yield a prohibited discriminatory result. The District Court emphasized the "virtually unchallenged" evidence that Senate Bill 14 "bear[s] more heavily on" minority voters. *Id.*, at 133. In light of the "seismic demographic shift" in Texas between 2000 and 2010, making Texas a "majority-minority state," the District Court observed that the Texas Legislature and Governor had an evident incentive to "gain partisan advantage by suppressing" the "votes of African-Americans and Latinos." *Id.*, at 40, 48, 128. Cf. *League of United*

*The District Court enjoined Wisconsin from implementing the law, the Seventh Circuit stayed the District Court's injunction, and in turn, this Court vacated the Seventh Circuit's stay. See *Frank* v. *Walker*, *ante*, p. 929.

Latin American Citizens v. *Perry*, 548 U. S. 399, 438–442 (2006) (Texas Legislature acted with a "troubling blend of politics and race" in response to "growing" minority participation). The District Court also found a tenuous connection between the harms Senate Bill 14 aimed to ward off and the means adopted by the State to that end. Between 2002 and 2011, there were only two in-person voter fraud cases prosecuted to conviction in Texas. Op. 13–14. Despite awareness of the bill's adverse effect on eligible-to-vote minorities, the Texas Legislature rejected a "litany of ameliorative amendments" designed to lessen the bill's impact on minority voters—for example, amendments permitting additional forms of identification, eliminating fees, providing indigence exceptions, and increasing voter education and funding—without undermining the bill's purported policy justifications. *Id.*, at 35–37, 132 144–147. Texas did not begin to demonstrate that the bill's discriminatory features were necessary to prevent fraud or to increase public confidence in the electoral process. *Id.*, at 133; see also *id.*, at 113 (proponents of bill unable to "articulate any reason that a more expansive list of photo IDs would sabotage" their efforts at detecting and deterring voter fraud). On this plain evidence, the District Court concluded that the bill would not have been enacted absent its racially disparate effects. *Id.*, at 133.

The District Court further found that Senate Bill 14 operates as an unconstitutional poll tax—an issue neither presented by any of the recent applications nor before the Court in *Crawford* v. *Marion County Election Bd.*, 553 U. S. 181 (2008) (upholding Indiana voter identification law against facial constitutional challenge). See *id.*, at 186, and n. 4. Under Senate Bill 14, a cost attends every form of qualified identification available to the general public. Op. 140. Texas tells the Court that any number of incidental costs are associated with voting. But the cost at issue here is one deliberately imposed by the State. Even at $2, the toll is at odds with this Court's precedent. See *Harper* v. *Virginia Bd. of Elections*, 383 U. S. 663 (1966). And for some voters, the imposition is not small. A voter whose birth certificate lists her maiden name or misstates her date of birth may be charged $37 for the amended certificate she needs to obtain a qualifying ID. Texas voters born in other States may be required to pay substantially more than that. Op. 71–74.

The potential magnitude of racially discriminatory voter disenfranchisement counseled hesitation before disturbing the District

Court's findings and final judgment. Senate Bill 14 may prevent more than 600,000 registered Texas voters (about 4.5% of all registered voters) from voting in person for lack of compliant identification. *Id.*, at 50–51, 54. A sharply disproportionate percentage of those voters are African-American or Hispanic. *Ibid.*

Unsurprisingly, Senate Bill 14 did not survive federal preclearance under § 5 of the Voting Rights Act. A three-judge District Court unanimously determined that the law would have a prohibited discriminatory effect on minority voters. See *Texas* v. *Holder*, 888 F. Supp. 2d 113, 115, 138 (DC 2012) (Tatel, J.). Although this Court vacated the preclearance denial in light of *Shelby County* v. *Holder*, 570 U. S. 529 (2013), racial discrimination in elections in Texas is no mere historical artifact. To the contrary, Texas has been found in violation of the Voting Rights Act in every redistricting cycle from and after 1970. Op. 7. See, *e. g.*, *Texas* v. *United States*, 887 F. Supp. 2d 133 (DC 2012) (Griffith, J.). The District Court noted particularly plaintiffs' evidence—largely unchallenged by Texas—regarding the State's long history of official discrimination in voting, the statewide existence of racially polarized voting, the incidence of overtly racial political campaigns, the disproportionate lack of minority elected officials, and the failure of elected officials to respond to the concerns of minority voters. Op. 3–13, 122–126, 144–147.

The greatest threat to public confidence in elections in these cases is the prospect of enforcing a purposefully discriminatory law, one that likely imposes an unconstitutional poll tax and risks denying the right to vote to hundreds of thousands of eligible voters. To prevent that disenfranchisement, I would vacate the Fifth Circuit's stay of the permanent injunction ordered by the District Court.

October 20, 2014

Certiorari Granted—Vacated and Remanded

No. 13–8827. Volkman *v.* United States. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Burrage* v. *United States*, 571 U. S. 204 (2014). Reported below: 736 F. 3d 1013.

Justice Alito, with whom Justice Thomas joins, concurring.

A jury convicted petitioner, a medical doctor, of four counts of unlawful distribution of a controlled substance leading to death.

He was sentenced to four consecutive life sentences for those four deaths. Without the benefit of *Burrage* v. *United States*, 571 U. S. 204 (2014), the Sixth Circuit upheld the jury's verdict. *Burrage* holds that "at least where use of the drug distributed by the defendant is not an independently sufficient cause of the victim's death," conviction is improper "unless such use is a but-for cause of the death or injury." *Id.*, at 218–219. But-for causation exists where the controlled substance "combines with other factors to produce" death, so long as death would have not occurred "without the incremental effect" of the controlled substance. *Id.*, at 211. Because the Sixth Circuit did not focus on but-for causation, I join the Court's order to vacate and remand.

I write separately, however, to highlight the nature of petitioner's burden going forward. Petitioner concedes that even "[w]ithout having the benefit of this Court's *Burrage* opinion, the district court nonetheless gave the jury a 'but-for' causation instruction." Pet. for Cert. 21. Even on petitioner's theory, therefore, the question is whether the Sixth Circuit should have "set aside the jury's verdict on the ground of insufficient evidence." *Ibid.* As petitioner acknowledges, this means that he can prevail only by showing that no rational trier of fact could have found, as the jury did here, "that death would not have occurred in these individuals but for the use of the oxycodone prescribed." *Ibid.* (citing *Jackson* v. *Virginia*, 443 U. S. 307, 319 (1979)).

The jury reached its verdict after a 35-day trial. See 736 F. 3d 1013, 1019 (CA6 2013). During that trial jurors learned much about the deaths of petitioner's patients. For instance, petitioner prescribed one opiate (oxycodone) and two other drugs (diazepam and alprazolam) to Steven Craig Hieneman. *Id.*, at 1027. Hieneman "died twelve hours" later and was "found dead with the very drugs the doctor prescribed." *Id.*, at 1027–1028. The jury also heard from a deputy coroner that "Hieneman died an opiate drug-induced death." *Id.*, at 1027. The question on remand is whether evidence of this sort, if credited, would allow a rational jury to conclude that Hieneman would not have died but for the oxycodone dispensed by petitioner. That same question will have to be answered for each of petitioner's patients.

In short, nothing in today's order should be understood as suggesting that petitioner is entitled to acquittal. Petitioner's convictions should be affirmed if the Sixth Circuit finds that the evidence from trial—"considered in the light most favorable to

the prosecution," *Jackson*, *supra*, at 319—shows that a rational jury could have found as this jury, in fact, did. The Court's order, moreover, has no bearing on petitioner's other convictions for conspiracy to unlawfully distribute a controlled substance, unlawful distribution of a controlled substance, maintaining a drug-involved premises, and possession of a firearm in furtherance of a drug-trafficking offense.

Certiorari Dismissed

No. 14–5769. NICKERSON *v.* GINSEL ET AL. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–6165. WHITLEY *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 577 Fed. Appx. 212.

Miscellaneous Orders

No. D–2790. IN RE DISBARMENT OF AMU. Disbarment entered. [For earlier order herein, see 573 U. S. 979.]

No. 14M38. M. J. *v.* WASHINGTON UNIVERSITY IN ST. LOUIS PHYSICIANS ET AL. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted. Motion for leave to proceed *in forma pauperis* with declaration of indigency under seal denied.

No. 143, Orig. MISSISSIPPI *v.* TENNESSEE ET AL. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 13–485. COMPTROLLER OF THE TREASURY OF MARYLAND *v.* WYNNE ET UX. Ct. App. Md. [Certiorari granted, 572 U. S. 1134.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 14–5783. QUIROZ *v.* U. S. BANK N. A., AS TRUSTEE, ET AL. C. A. 2d Cir.;

No. 14–5803. HAASE ET UX. *v.* COUNTRYWIDE HOME LOANS, INC., ET AL. C. A. 5th Cir.;

No. 14–5812. DUKE *v.* FFRENCH-MULLEN. Ct. Sp. App. Md.; and

No. 14–6279. RICHARDSON *v.* MABUS, SECRETARY OF THE NAVY. C. A. 4th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until November 10, 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.

No. 14–6465. IN RE WOOD. Petition for writ of habeas corpus denied.

Certiorari Granted

No. 13–1175. CITY OF LOS ANGELES, CALIFORNIA *v.* PATEL ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 738 F. 3d 1058.

No. 13–1487. HENDERSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari granted. Reported below: 555 Fed. Appx. 851.

No. 13–1428. CHAPPELL, WARDEN *v.* AYALA. C. A. 9th Cir. Certiorari granted. In addition to the question presented by the petition, the parties are directed to brief and argue the following question: "Whether the Court of Appeals properly applied the standard articulated in *Brecht* v. *Abrahamson*, 507 U. S. 619 (1993)." Reported below: 756 F. 3d 656.

Certiorari Denied

No. 13–1406. CASTRO PEREZ *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 745 F. 3d 174.

No. 13–1409. KELLY *v.* MARYLAND. Ct. App. Md. Certiorari denied. Reported below: 436 Md. 406, 82 A. 3d 205.

No. 13–1479. KHAN *v.* CHOWDHURY. C. A. 2d Cir. Certiorari denied. Reported below: 746 F. 3d 42.

No. 13–1491. CUTI *v.* UNITED STATES; and

No. 13–1493. TENNANT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 720 F. 3d 453.

No. 13–8427. COPE *v.* SOUTH CAROLINA. Sup. Ct. S. C. Certiorari denied. Reported below: 405 S. C. 317, 748 S. E. 2d 194.

No. 13–9759. BANKS-DAVIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 215.

No. 13–10076. AGUIAR ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 737 F. 3d 251.

No. 13–10544. ESCOBAR *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 13–10587. BREEZE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–51. REDONDO CONSTRUCTION CORP. *v.* DIAZ, SECRETARY OF THE PUERTO RICO DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 746 F. 3d 21.

No. 14–150. WILLIAMS *v.* ILLINOIS ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION. Sup. Ct. Ill. Certiorari denied.

No. 14–160. PERKINS ET UX. *v.* WELLS FARGO BANK, N. A., ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–167. O'BRIEN *v.* KING, COMMISSIONER, NEW YORK STATE EDUCATION DEPARTMENT, ET AL. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 112 App. Div. 3d 188, 975 N. Y. S. 2d 205.

No. 14–168. BLUE CROSS BLUE SHIELD OF MICHIGAN *v.* HI-LEX CONTROLS, INC., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 751 F. 3d 740.

No. 14–172. CASAGRANDE *v.* SIEMENS CORP. ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 556 Fed. Appx. 54.

No. 14–179. ISAACS *v.* DARTMOUTH HITCHCOCK MEDICAL CENTER ET AL. C. A. 1st Cir. Certiorari denied.

No. 14–180. DRY *v.* STEELE ET AL. Ct. App. Tenn. Certiorari denied.

No. 14–183. AAES ET AL. *v.* 4G COS. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 423.

No. 14–194. PHILLIPS *v.* JACOBS, WARDEN. Super. Ct. Macon County, Ga. Certiorari denied.

No. 14–208. FITCHETT ET AL. *v.* WILSON ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 256.

No. 14–226. ROSS ET AL. *v.* STOOKSBURY. C. A. 6th Cir. Certiorari denied. Reported below: 528 Fed. Appx. 547.

No. 14–233. HINTON *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 554 Fed. Appx. 938.

No. 14–257. LEWIS ET AL. *v.* LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 422.

No. 14–264. SCHNEIDMILLER ET AL. *v.* PHYSICIANS INSURANCE CAPITAL ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 421.

No. 14–291. ROLLE *v.* MIAMI-DADE COUNTY, FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 138 So. 3d 457.

No. 14–302. HAN YONG KIM *v.* UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 556.

No. 14–303. MONTGOMERY *v.* UNITED STATES POSTAL SERVICE. C. A. Fed. Cir. Certiorari denied. Reported below: 566 Fed. Appx. 968.

No. 14–311. VISIBLE MEASURES CORP. *v.* STRICKLAND ET AL. C. A. 8th Cir. Certiorari denied.

No. 14–314. KUMAR *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 750 F. 3d 563.

No. 14–321. KYLE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 392.

No. 14–336. LOUTHIAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 756 F. 3d 295.

No. 14–5256. PURSER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 747 F. 3d 284.

No. 14–5302. SHELTON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 308.

No. 14–5442. CHISM *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 58 Cal. 4th 1266, 324 P. 3d 183.

No. 14–5556. THOMAS *v.* CUMBERLAND COUNTY BOARD OF EDUCATION ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 311.

No. 14–5754. ENRIQUEZ *v.* TERRITORY OF GUAM. Sup. Ct. Guam. Certiorari denied. Reported below: 2014 Guam 11.

No. 14–5756. DUKLES *v.* OHIO. Ct. App. Ohio, 9th App. Dist., Medina County. Certiorari denied. Reported below: 2013-Ohio-5263.

No. 14–5761. LEONETTI *v.* WILLIAMS, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5764. BENITEZ *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied. Reported below: 143 So. 3d 916.

No. 14–5766. PENLEY *v.* JOYNER, CORRECTIONAL ADMINISTRATOR I, HARNETT CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 263.

No. 14–5768. MITCHELL *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied.

No. 14–5771. TEETER *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–5772. WATTS *v.* SAWYER. C. A. 7th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 584.

No. 14–5776. BOZELKO *v.* CONNECTICUT. Sup. Ct. Conn. Certiorari denied. Reported below: 312 Conn. 908, 92 A. 3d 954.

No. 14–5784. TEITELBAUM *v.* KATZ ET AL. C. A. 2d Cir. Certiorari denied.

No. 14–5786. SMITH *v.* MICHIGAN FIRST CREDIT UNION. C. A. 6th Cir. Certiorari denied.

No. 14–5793. ROMERO *v.* WENDERLICH, SUPERINTENDENT, SOUTHPORT CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 14–5795. CHAFE *v.* CHAFE. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 139 So. 3d 312.

No. 14–5796. CHAFE *v.* CHAFE. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 139 So. 3d 312.

No. 14–5798. LEWIS *v.* MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION. C. A. 6th Cir. Certiorari denied.

No. 14–5805. HUNTER *v.* ANDERSON ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 508.

No. 14–5806. ROSARIO *v.* RHODE ISLAND ET AL. C. A. 1st Cir. Certiorari denied.

No. 14–5807. HAWKINS *v.* NORMAN, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 14–5808. CHAFE *v.* CHAFE. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 141 So. 3d 572.

No. 14–5810. CIBELLI *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 14–5811. CLEVELAND *v.* MULLIN, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 636.

No. 14–5816. ROGERS *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 138 So. 3d 457.

No. 14–5819. THOMAS *v.* JACKSON HEALTH CARE SYSTEMS ET AL. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 124 So. 3d 1040.

No. 14–5820. SMITH *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 2013–1340 (La. 1/10/14), 131 So. 3d 41.

No. 14–5822. JOHNSON *v.* GROUNDS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5824. UPSON *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 103 App. Div. 3d 924, 962 N. Y. S. 2d 272.

No. 14–5825. WINTER *v.* DAVEY, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 651.

No. 14–5834. DOUGHERTY *v.* SNYDER ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 469 Fed. Appx. 71.

No. 14–5835. DOUGHERTY *v.* ADVANCED WINGS LLP ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–5836. DOUGHERTY *v.* UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA. C. A. 3d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 96.

No. 14–5837. DOUGHERTY *v.* CLUCK-U CORP. C. A. 3d Cir. Certiorari denied.

No. 14–5902. ALBERTS *v.* ILLINOIS. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2013 IL App (4th) 120363–U.

No. 14–5906. BACH *v.* CIRCUIT COURT OF WISCONSIN, MILWAUKEE COUNTY, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 531.

No. 14–5941. RUNNER *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 14–5954. LAUDENBERGER *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 93 A. 3d 500.

No. 14–5966. CREGAN *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 2014 IL 113600, 10 N. E. 3d 1196.

No. 14–5978. BUCHANAN *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 14–5982. COUTURE *v.* COUTURE. Sup. Ct. N. H. Certiorari denied. Reported below: 166 N. H. 101, 89 A. 3d 541.

No. 14–5993. O'MALLEY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 739 F. 3d 1001.

No. 14–5996. GRAY *v.* SPEARMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6004. HARP *v.* CURTIN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6027. PLUMMER *v.* HAAS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6048. CARRAHER *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–6058. BROWN *v.* BOOKER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6065. LOPEZ *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2014 IL App (2d) 120623–U.

No. 14–6068. PILLETTE *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 14–6115. HOOPER *v.* MCDANIEL, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–6131. TOMLIN *v.* COHEN, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 208.

No. 14–6164. SMITH *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. Sup. Ct. Ark. Certiorari denied. Reported below: 2014 Ark. 270.

No. 14–6171. QUINN *v.* TACKETT ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–6183. LJUTIC *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 568 Fed. Appx. 889.

No. 14–6229. CHESTANG *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6259. DALTON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 639.

No. 14–6260. GARRIES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 260.

No. 14–6262. KELLY *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 14–6263. GONZALEZ-RUIZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 322.

No. 14–6271. PERRY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 90.

No. 14–6274. AVALOS-NUNEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 263.

No. 14–6275. WALS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 301.

No. 14–6277. HARRIS-THOMPSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 751 F. 3d 590.

No. 14–6278. MORRIS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 570 Fed. Appx. 151.

No. 14–6283. RICH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 234.

No. 14–6284. JOHNSON *v.* JUST ENERGY. C. A. 2d Cir. Certiorari denied. Reported below: 547 Fed. Appx. 71.

No. 14–6285. BONILLA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 388.

No. 14–6286. PRIETO *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 758.

No. 14–6288. PHEA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 755 F. 3d 255.

No. 14–6290. MCCLINTON *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 14–6294. ABEL RAMIREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 260.

No. 14–6297. BASTIEN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 565 Fed. Appx. 24.

No. 14–6298. ABRAMS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–6301. RAZZOLI *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 548 Fed. Appx. 733.

No. 14–6303. CABRERA-PEREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 508.

No. 14–6312. AYALA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–6313. ANDERSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 332.

No. 14–6314. LOPEZ-PACHECO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 314.

No. 14–6315. WATSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–6318. SOUZA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 749 F. 3d 74.

No. 14–6321. STACEY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 570 Fed. Appx. 213.

No. 14–6323. KIZZEE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 381.

No. 14–6324. ANGLE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–6325. BRIDGES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6329. ANAYA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 727 F. 3d 1043.

No. 14–6334. SHEPARD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 589.

No. 14–6337. EKANEM *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 206.

No. 14–6340. RICARDO MARTINEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 565.

No. 14–6341. MADRID *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 610.

No. 14–6345. WALLACE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 241.

No. 14–6349. SQUETIMKIN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 566.

No. 14–6353. SMITH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6357. JARAMILLO *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 613.

No. 14–6358. MAZUR *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 234.

No. 14–6359. WILSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 338.

No. 14–6363. RODRIGUEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 759 F. 3d 113.

No. 14–6364. RODRIGUEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 756.

No. 14–6369. MOZIE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 752 F. 3d 1271.

No. 14–6373. EDISON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 756 F. 3d 638.

No. 14–6374. DELEO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–6375. CUNNINGHAM *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 190.

No. 14–6382. WADDY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 612.

No. 14–6383. VALENCIA-ARROYO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 308.

No. 14–6386. BURCH *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 548.

No. 14–6390. SALINAS-MORIN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 351.

No. 14–6391. NEWMAN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 755 F. 3d 543.

No. 14–6393. LALOUDAKIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 216.

No. 14–6398. RENTERIA-SALDANA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 755 F. 3d 856.

No. 14–6399. SIGUIL-VASQUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 321.

No. 14–6402. JIMENEZ-RAMIREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 289.

No. 14–6403. RAMIREZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–6409. SANCHEZ *v.* CHANDLER, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 301.

No. 13–1424. LOUISIANA EX REL. BALLAY, DISTRICT ATTORNEY FOR THE PARISH OF PLAQUEMINES, ET AL. *v.* BP EXPLORATION & PRODUCTION, INC., ET AL. C. A. 5th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 745 F. 3d 157.

No. 13–9280. FRAZIER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 521 Fed. Appx. 160.

No. 14–82. SCOTT, SHERIFF, LOS ANGELES COUNTY, CALIFORNIA, ET AL. *v.* ALBINO. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 747 F. 3d 1162.

No. 14–6251. CHIRINO RIVERA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–6293. YALINCAK *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

OCTOBER 28, 2014

Miscellaneous Order

No. 14A445 (14–6873). CHRISTESON *v.* ROPER, WARDEN. C. A. 8th Cir. Application for stay of execution of sentence of

death, presented to JUSTICE ALITO, and by him referred to the Court, granted pending disposition of the petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for writ of certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court. JUSTICE SCALIA, JUSTICE THOMAS, and JUSTICE ALITO would deny the application for stay of execution.

Certiorari Denied

No. 14–6878 (14A447). CHRISTESON *v.* LOMBARDI, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied. JUSTICE SOTOMAYOR would grant the application for stay of execution.

No. 14–6879 (14A448). ANGEL PAREDES *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this application and this petition. Reported below: 587 Fed. Appx. 805.

OCTOBER 31, 2014

Dismissal Under Rule 46

No. 14–344. DOE B. P. *v.* CATHOLIC DIOCESE OF KANSAS CITY-ST. JOSEPH. Ct. App. Mo., Western Dist. Certiorari dismissed under this Court's Rule 46.1. Reported below: 432 S. W. 3d 213.

Miscellaneous Order

No. 13–895. ALABAMA LEGISLATIVE BLACK CAUCUS ET AL. *v.* ALABAMA ET AL.; and

No. 13–1138. ALABAMA DEMOCRATIC CONFERENCE ET AL. *v.* ALABAMA ET AL. D. C. M. D. Ala. [Probable jurisdiction noted, 572 U. S. 1149.] Motion of appellants for divided argument granted. Motion of the Solicitor General for enlargement of time for oral argument, for leave to participate in oral argument as *amicus curiae*, and for divided argument granted, and the time

is to be divided as follows: 30 minutes for appellants, 30 minutes for appellees, and 10 minutes for the Solicitor General as *amicus curiae.*

NOVEMBER 3, 2014

Certiorari Dismissed

No. 14–5854. O'CONNOR *v.* VIRGINIA. C. A. 4th Cir.; and

No. 14–5855. O'CONNOR *v.* VIRGINIA. C. A. 4th Cir. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: No. 14–5854, 572 Fed. Appx. 253; No. 14–5855, 572 Fed. Appx. 254.

No. 14–5939. CREDICO *v.* CHIEF EXECUTIVE OFFICER, SIEMENS (NUCLEAR POWER SYSTEMS AND SOFTWARE), ET AL. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*).

No. 14–5983. DAVIS *v.* ALLEGHENY COUNTY, PENNSYLVANIA, ET AL. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*).

No. 14–6029. MCPHERRON *v.* DISTRICT ATTORNEY OF THE COUNTY OF CHESTER ET AL. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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 *Mar-*

tin v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 14–6408. RAMON OCHOA *v.* RUBIN, AKA RUBIN OCHOA. Super. Ct. Pa. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–6496. NIBLOCK *v.* UNITED STATES. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition. Reported below: 568 Fed. Appx. 258.

Miscellaneous Orders

No. D–2807. IN RE QUICHOCHO. Ramon King Quichocho, Jr., of Spanaway, Wash., having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to the practice of law before this Court. The rule to show cause, issued on August 29, 2014, [573 U. S. 984] is discharged.

No. D–2816. IN RE DISCIPLINE OF COUNCIL. Brenda Joyce Council, of Omaha, Neb., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

No. D–2817. IN RE DISCIPLINE OF DAUGERDAS. Paul M. Daugerdas, of Wilmette, Ill., 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.

No. D–2818. IN RE DISCIPLINE OF LEWIS. Neil Jerome Lewis, of Baltimore, Md., 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.

No. 14M39. GILCHRIST *v.* UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS;

No. 14M40. FORD *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS;

No. 14M44. GOSSAGE *v.* DEPARTMENT OF LABOR; and
No. 14M45. WOODS *v.* ARIZONA ET AL. Motions for leave to proceed as veterans denied.

No. 14M41. ROBLES *v.* RMS MANAGEMENT SOLUTIONS, LLC, ET AL.; and
No. 14M42. YONG CHUL SON *v.* CHU CHA LEE ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 14M43. RANDOLPH *v.* SULLIVAN, WARDEN. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 141, Orig. TEXAS *v.* NEW MEXICO ET AL. It is ordered that A. Gregory Grimsal, Esq., of New Orleans, La., is appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings, to direct subsequent proceedings, to summon witnesses, to issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Special Master is directed to submit reports as he may deem appropriate.

The compensation of the Special Master, the allowances to him, the compensation paid to his legal, technical, stenographic, and clerical assistants, the cost of printing his reports, and all other proper expenses, including travel expenses, shall be charged against and be borne by the parties in such proportion as the Court may hereafter direct. [For earlier order herein, see, *e. g.*, 572 U. S. 1032.]

No. 142, Orig. FLORIDA *v.* GEORGIA. Motion for leave to file bill of complaint granted. Defendant is allowed 30 days within which to file an answer. [For earlier order herein, see 571 U. S. 1235.]

No. 12–1226. YOUNG *v.* UNITED PARCEL SERVICE, INC. C. A. 4th Cir. [Certiorari granted, 573 U. S. 957.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 14–5901. GORMAN *v.* JPMORGAN CHASE BANK, N. A., ET AL. C. A. 9th Cir.;
No. 14–5991. SANGSTER *v.* CALIFORNIA ET AL. C. A. 9th Cir.;

No. 14–6087. VAN ALLEN *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir.; and

No. 14–6412. LAGUERRA *v.* MERIT SYSTEMS PROTECTION BOARD. C. A. Fed. Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until November 24, 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.

No. 14–6567. IN RE BUENCAMINO;

No. 14–6688. IN RE KORTE; and

No. 14–6708. IN RE SMITH. Petitions for writs of habeas corpus denied.

No. 14–6407. IN RE PEACH. Petition for writ of mandamus denied.

No. 14–6077. IN RE ALMAHDI. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court's Rule 39.8.

Certiorari Denied

No. 13–1387. NEW YORK *v.* GONZALES. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 111 App. Div. 3d 147, 972 N. Y. S. 2d 642.

No. 13–1462. EVERGREEN ASSN., INC., DBA EXPECTANT MOTHER CARE PREGNANCY CENTERS EMC FRONTLINE PREGNANCY, ET AL. *v.* CITY OF NEW YORK, NEW YORK, ET AL.; and

No. 13–1504. PREGNANCY CARE CENTER OF NEW YORK ET AL. *v.* CITY OF NEW YORK, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 740 F. 3d 233.

No. 13–1481. SCOTT *v.* COLORADO. Dist. Ct. Colo., Denver County. Certiorari denied.

No. 13–1509. REED *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 739 F. 3d 753.

No. 13–1520. EPISCOPAL CHURCH ET AL. *v.* EPISCOPAL DIOCESE OF FORT WORTH ET AL. (Reported below: 422 S. W. 3d 646);

and DIOCESE OF NORTHWEST TEXAS ET AL. *v.* MASTERSON ET AL. (422 S. W. 3d 594). Sup. Ct. Tex. Certiorari denied.

No. 13–1530. NOVO POINT LLC ET AL. *v.* VOGEL ET AL.; and No. 14–90. VOGEL ET AL. *v.* BARON ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 703 F. 3d 296.

No. 13–10183. HAMPTON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 955.

No. 13–10200. SIMMONS *v.* DENNEY, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 14–7. BALTIMORE COUNTY, MARYLAND *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. C. A. 4th Cir. Certiorari denied. Reported below: 747 F. 3d 267.

No. 14–56. CITY OF NEWPORT BEACH, CALIFORNIA *v.* PACIFIC SHORES PROPERTIES, LLC, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 730 F. 3d 1142.

No. 14–71. DIACETYL PLAINTIFFS *v.* AAROMA HOLDINGS, LLC. C. A. 3d Cir. Certiorari denied. Reported below: 740 F. 3d 875.

No. 14–79. QADRI ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 590.

No. 14–104. CARLSON ET VIR *v.* ALLIANZ VERICHERUNGS-AKTIENGESELLSCHAFT ET AL. Sup. Ct. Neb. Certiorari denied. Reported below: 287 Neb. 628, 844 N. W. 2d 264.

No. 14–192. PATTERSON *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 14–193. MONN ET UX., INDIVIDUALLY AND AS THE PARENTS OF B. M., A MINOR, ET AL. *v.* GETTYSBURG AREA SCHOOL DISTRICT ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 553 Fed. Appx. 120.

No. 14–195. BERMAN *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–198. FOLEY *v.* MORGAN STANLEY SMITH BARNEY, LLC, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 874.

No. 14–210. ERIKSON *v.* BP EXPLORATION & PRODUCTION INC. C. A. 10th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 637.

No. 14–211. REPUBLIC OF ARGENTINA *v.* BG GROUP PLC. C. A. D. C. Cir. Certiorari denied. Reported below: 555 Fed. Appx. 2.

No. 14–214. GREEN *v.* UNWIN ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 7.

No. 14–218. D. D-S, INDIVIDUALLY AND AS PARENT AND NEXT FRIEND OF B. D-S, ET AL. *v.* SOUTHOLD UNION FREE SCHOOL DISTRICT. C. A. 2d Cir. Certiorari denied. Reported below: 506 Fed. Appx. 80.

No. 14–231. WARCH ET AL. *v.* LOCAL 333, INTERNATIONAL LONGSHOREMEN'S ASSN., ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 314.

No. 14–242. THEWS *v.* WAL-MART STORES, INC. C. A. 11th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 828.

No. 14–243. BROWN *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 295 Ga. 240, 759 S. E. 2d 489.

No. 14–245. PETERS *v.* COMMITTEE ON GRIEVANCES FOR THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK. C. A. 2d Cir. Certiorari denied. Reported below: 748 F. 3d 456.

No. 14–246. KESSELL *v.* COKER, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 14–253. COMMON CAUSE ET AL. *v.* BIDEN, PRESIDENT OF THE UNITED STATES SENATE, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 748 F. 3d 1280.

No. 14–265. KELSEY *v.* KELSEY ET UX. Ct. App. Wash. Certiorari denied. Reported below: 179 Wash. App. 360, 317 P. 3d 1096.

No. 14–270. LAL, INDIVIDUALLY AND IN HER REPRESENTATIVE CAPACITY ON BEHALF OF THE ESTATE OF LAL, ET AL. *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 746 F. 3d 1112.

No. 14–281. KORAB ET AL. *v.* MCMANAMAN, DIRECTOR, HAWAII DEPARTMENT OF HUMAN SERVICES, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 748 F. 3d 875.

No. 14–285. MIZUKAMI *v.* DON QUIJOTE (USA) CO. LTD. ET AL. Sup. Ct. Haw. Certiorari denied.

No. 14–294. SAMAY ET AL. *v.* FIRST EQUITY ASSETS II, LLC. Super. Ct. N. J., App. Div. Certiorari denied.

No. 14–304. PASQUALE *v.* PASQUALE. Ct. App. Ind. Certiorari denied. Reported below: 4 N. E. 3d 1224.

No. 14–308. HALL *v.* MERIT SYSTEMS PROTECTION BOARD. C. A. Fed. Cir. Certiorari denied. Reported below: 560 Fed. Appx. 979.

No. 14–316. CONAN DOYLE ESTATE, LTD. *v.* KLINGER. C. A. 7th Cir. Certiorari denied. Reported below: 755 F. 3d 496.

No. 14–318. DEROSIER *v.* LONGAKER ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 362.

No. 14–324. GARMONG *v.* ROGNEY AND SONS CONSTRUCTION ET AL. Sup. Ct. Nev. Certiorari denied. Reported below: 130 Nev. 1180.

No. 14–325. DEGIACOMO, CHAPTER 7 TRUSTEE FOR THE ESTATE OF TRAVERSE *v.* TRAVERSE. C. A. 1st Cir. Certiorari denied. Reported below: 753 F. 3d 19.

No. 14–327. MONTANEZ *v.* FICO ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 755 F. 3d 547.

No. 14–339. VUYYURU *v.* HARP ET AL. Sup. Ct. Va. Certiorari denied.

No. 14–343. GRIFFIN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–347. OCHOA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 843.

No. 14–357. VERKERK *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. Reported below: 367 N. C. 483, 758 S. E. 2d 387.

No. 14–362. GROEBER *v.* FREIDMAN AND SCHUMAN, P. C. C. A. 3d Cir. Certiorari denied. Reported below: 555 Fed. Appx. 133.

No. 14–5347. JONES *v.* NUTTALL AND ASSOCIATES. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 14–5361. MILLER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 549 Fed. Appx. 218.

No. 14–5479. MOODY *v.* THOMAS, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 755 F. 3d 891.

No. 14–5520. CASTILLO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 500.

No. 14–5853. FOWLER *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 14–5862. BROWN *v.* ANDERSON, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–5864. ARCHER *v.* ROYAL, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 14–5866. KARMATZIS *v.* HAMILTON ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 617.

No. 14–5867. MCCURDY *v.* TEXAS. Ct. App. Tex., 6th Dist. Certiorari denied.

No. 14–5868. SYKES *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–5869. HOWELL *v.* INDIANA. Ct. App. Ind. Certiorari denied.

No. 14–5870. ALMOND *v.* POLLARD ET AL. C. A. 7th Cir. Certiorari denied.

No. 14–5877. MORALES *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 138 So. 3d 456.

No. 14–5880. GRAVES *v.* MATHENA, WARDEN. Sup. Ct. Va. Certiorari denied.

No. 14–5884. FRANCIS *v.* SOLIS ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–5887. HASCHENBURGER *v.* KELLY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–5891. JAIMES *v.* FOULK, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5896. FRANKLIN *v.* GMAC MORTGAGE ET AL. C. A. 5th Cir. Certiorari denied.

No. 14–5904. SMITH *v.* MARTEL, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 624.

No. 14–5910. CHANDLER *v.* UNIVERSITY OF PENNSYLVANIA. C. A. 3d Cir. Certiorari denied. Reported below: 567 Fed. Appx. 129.

No. 14–5913. ZWEIFEL, NKA MEAD *v.* ZWEIFEL. Ct. App. Minn. Certiorari denied.

No. 14–5915. LANGSTON *v.* RUSSELL, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 14–5919. RAMEY *v.* HILL, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 558.

No. 14–5934. SHARONOFF *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 14–5935. TAYLOR *v.* BERNICH ET UX. Ct. Sp. App. Md. Certiorari denied.

No. 14–5944. TRAYLOR *v.* GERRATANA ET AL. App. Ct. Conn. Certiorari denied. Reported below: 148 Conn. App. 605, 88 A. 3d 552.

No. 14–5950. RESPER *v.* SIRES ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 361.

No. 14–5951. ALEXANDER ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5952. BAKER *v.* AMERICAN EXPRESS, INC., ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5955. DENIS *v.* FLORIDA. C. A. 11th Cir. Certiorari denied.

No. 14–5959. LI-HUA WEI *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 14–5970. THOMPSON *v.* LAVALLEY, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 14–5972. NESBY *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 14–5973. BANDA *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 139 So. 3d 446.

No. 14–5979. LOWERY *v.* CAIN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 14–5980. JACKSON *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5981. MARCELLI ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA. C. A. 9th Cir. Certiorari denied.

No. 14–5984. DEMARY *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied.

No. 14–5985. CARBAJAL *v.* DUNLAP, SHERIFF, MONTROSE COUNTY, COLORADO. Sup. Ct. Colo. Certiorari denied.

No. 14–5987. PORTER *v.* LEWIS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–5988. OLIVER *v.* BANKFIRST ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 357.

No. 14–5989. HURLEY *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–5994. MORRIS *v.* ORLEANS HOTEL AND CASINO ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–5997. FRENCH *v.* ALLEGANY COUNTY, MARYLAND, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 262.

No. 14–5998. HAMILTONHAUSEY *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 14–5999. GARNER *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 14–6003. GOSDIN *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–6011. SHABAZZ *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–6013. MARTIN *v.* MCCALL ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 734.

No. 14–6017. ROWLETT *v.* MICHIGAN BELL TELEPHONE CO. ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–6018. BENTON *v.* TOWN OF SOUTH FORK, COLORADO, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 772.

No. 14–6022. BERRY *v.* TYLL ET VIR. Ct. App. N. C. Certiorari denied.

No. 14–6025. SUTHERLAND *v.* STEWART, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6026. PIMENTAL *v.* FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 942.

No. 14–6028. LAVERGNE *v.* MARTINEZ. C. A. 5th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 267.

No. 14–6030. MEAD *v.* CAIN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 14–6033. HILL *v.* OWENS, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL. Sup. Ct. Ga. Certiorari denied. Reported below: 295 Ga. 302, 758 S. E. 2d 794.

No. 14–6036. TAYLOR *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied.

No. 14–6044. ROBINSON *v.* BUFFALOE & ASSOCIATES ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–6049. CLARK *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 280.

No. 14–6051. SABREE *v.* O'DELL ET AL. C. A. 1st Cir. Certiorari denied.

No. 14–6052. WHALEY *v.* HAAS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6053. DRUMMER *v.* NEWARK HOUSING AUTHORITY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 14–6060. SNODGRASS *v.* BERKLEE COLLEGE OF MUSIC ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 541.

No. 14–6066. UZAMERE *v.* UNITED STATES ET AL. C. A. 1st Cir. Certiorari denied.

No. 14–6071. ANDERSON *v.* COX ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–6072. ANDERSON *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 216 Md. App. 767.

No. 14–6078. ANDERSON *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2013 IL App (1st) 102852–U.

No. 14–6083. WORDLY *v.* SAN MIGUEL. C. A. 11th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 719.

No. 14–6086. ROGERS *v.* SELLERS, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 873.

No. 14–6089. TALLEY *v.* BAKER ET AL. C. A. 7th Cir. Certiorari denied.

No. 14–6090. ODILON LOPEZ *v.* SPEARMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6092. MOSIER *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 141 So. 3d 631.

No. 14–6093. McDonald *v.* Texas. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 14–6095. Baldon, nka Al-Sha'ir *v.* Clark, Director, Virginia Department of Corrections. C. A. 4th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 239.

No. 14–6096. Boutte *v.* Montgomery, Acting Warden, et al. C. A. 9th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 623.

No. 14–6107. Halstead *v.* Craig, Warden. C. A. 8th Cir. Certiorari denied.

No. 14–6109. Dethman *v.* Kirkegard, Warden, et al. C. A. 9th Cir. Certiorari denied.

No. 14–6110. Collins *v.* Wetzel, Secretary, Pennsylvania Department of Corrections, et al. C. A. 3d Cir. Certiorari denied. Reported below: 742 F. 3d 528.

No. 14–6119. Douce *v.* Fiala, Commissioner, New York State Department of Motor Vehicles, et al. C. A. 2d Cir. Certiorari denied.

No. 14–6120. Edwards *v.* Rawski, Warden. C. A. 4th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 211.

No. 14–6121. Charles *v.* D'Ilio, Administrator, New Jersey State Prison, et al. C. A. 3d Cir. Certiorari denied.

No. 14–6122. Cade *v.* Daniels, Superintendent, Pamlico Correctional Institution. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 53.

No. 14–6126. Sharif-El *v.* Cain, Warden. C. A. 5th Cir. Certiorari denied.

No. 14–6127. Kennedy *v.* Booker, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 433.

No. 14–6129. Saari *v.* Wells Fargo Home Mortgage, Inc. C. A. 6th Cir. Certiorari denied.

No. 14–6142. Taylor *v.* Colvin, Acting Commissioner of Social Security. C. A. 8th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 643.

No. 14–6207. CEPERO *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 14–6214. BAUSMAN *v.* SHERMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6215. ALBERTO OCAMPO *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 14–6232. LAVERGNE *v.* HIGGINGBOTTOM. C. A. 5th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 309.

No. 14–6236. MCCUNE *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 299 Kan. 1216, 330 P. 3d 1107.

No. 14–6238. LOCKLEAR *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. Reported below: 367 N. C. 507, 759 S. E. 2d 87.

No. 14–6240. CLIFFORD *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 85 Mass. App. 1108, 5 N. E. 3d 3.

No. 14–6248. JENSEN *v.* PARAMO, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 540.

No. 14–6255. PITTMAN *v.* MARTIN ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 569 Fed. Appx. 89.

No. 14–6272. WATERS *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 197.

No. 14–6299. KOTHARI *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 180 Wash. App. 1002.

No. 14–6339. STONE *v.* JOHNSON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6347. METTLE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 664.

No. 14–6348. MORROW *v.* DONAHOE, POSTMASTER GENERAL. C. A. 7th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 859.

No. 14–6351. DAVIS *v.* HOLMES, ADMINISTRATOR, SOUTH WOODS STATE PRISON. C. A. 3d Cir. Certiorari denied.

No. 14–6355. KEYS *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 14–6367. MARSHALL *v.* SUPERIOR COURT OF MASSACHUSETTS, BRISTOL COUNTY. C. A. 1st Cir. Certiorari denied. Reported below: 753 F. 3d 10.

No. 14–6378. TODD *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 299 Kan. 263, 323 P. 3d 829.

No. 14–6387. BENJAMIN *v.* PULLEN, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 603.

No. 14–6388. REVELS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 711.

No. 14–6395. POWELL *v.* GROUNDS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6406. HAINES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 237.

No. 14–6416. MCBRIDE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 575.

No. 14–6418. VALLEY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 755 F. 3d 581.

No. 14–6420. HERRERA-LUGO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–6421. HOLBACH *v.* NORTH DAKOTA. Sup. Ct. N. D. Certiorari denied. Reported below: 2014 ND 14, 842 N. W. 2d 328.

No. 14–6422. GONZALEZ-CHAVEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 772.

No. 14–6423. GARCIA-VASQUEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 665.

No. 14–6424. HACKLER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 285.

No. 14–6427. JONES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 202.

No. 14–6430. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6431. ECHOLS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 350.

No. 14–6433. GONZALEZ *v.* UNITED STATES; and
No. 14–6450. REED *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: No. 14–6433, 570 Fed. Appx. 104; No. 14–6450, 756 F. 3d 184.

No. 14–6434. BROOKS *v.* MENIFEE ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 341.

No. 14–6436. BURRUS *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 216 Md. App. 740.

No. 14–6438. BELL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 417.

No. 14–6441. PARLIER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 509.

No. 14–6442. PHILLIPS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 752 F. 3d 1047.

No. 14–6443. MIDDLEWORTH *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 179 Wash. App. 1025.

No. 14–6446. LUCERO CANO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–6447. KIRKLIN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 727 F. 3d 711.

No. 14–6455. KNOWLES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6456. DELGADO-ORNELAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 508 Fed. Appx. 678.

No. 14–6457. PADRON-STEELE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–6461. JACKSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 856.

No. 14–6463. STRAITE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 211.

No. 14–6469. GONZALEZ PEREZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 504.

No. 14–6470. EDGE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 275.

No. 14–6473. BREEDLOVE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 756 F. 3d 1036.

No. 14–6476. RIVAS-GRANADOS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 942.

No. 14–6483. CRUZ-VAZQUEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 751 F. 3d 1.

No. 14–6486. KING *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 754 F. 3d 460.

No. 14–6489. LIGGINS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 746 F. 3d 590.

No. 14–6492. BURDULIS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 753 F. 3d 255.

No. 14–6493. BUITRAGO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6498. POWELL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 207.

No. 14–6503. SOROKIN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 570 Fed. Appx. 217.

No. 14–6507. MITCHELL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 173.

No. 14–6511. MARFO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 215.

No. 14–6512. BENNETT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 326.

No. 14–6513. ARMSTRONG *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–6515. GRAY *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 79 A. 3d 366.

No. 14–6516. GARVIN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 216.

No. 14–6517. FLORES-GARCIA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–6518. HALLMAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 209.

No. 14–6535. RIVERA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 571 Fed. Appx. 55.

No. 14–6562. JEFFERSON *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 216 Md. App. 748.

No. 14–30. THYSSENKRUPP WAUPACA, INC., DBA WAUPACA FOUNDRY, INC. *v.* DEKEYSER ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED. C. A. 7th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 735 F. 3d 568.

No. 14–77. KOLON INDUSTRIES, INC. *v.* E. I. DU PONT DE NEMOURS & CO. C. A. 4th Cir. Certiorari denied. JUSTICE ALITO and JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 748 F. 3d 160.

No. 14–207. KOLON INDUSTRIES, INC. *v.* E. I. DU PONT DE NEMOURS & CO. C. A. 4th Cir. Certiorari denied. JUSTICE ALITO and JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 564 Fed. Appx. 710.

No. 14–224. ASAP COPY AND PRINT ET AL. *v.* SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL.; TURNER *v.* SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL.; CARTER *v.* SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL.; and ASAP COPY AND PRINT ET AL *v.* SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL. Ct. App. Cal., 2d App. Dist., Divs. 2, 4, and 8. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 14–272. MIZUKAMI *v.* AMERICAN HOME MORTGAGE SERVICING ET AL. C. A. 9th Cir. Certiorari before judgment denied.

No. 14–279. KUCK ET AL. *v.* MASEK ET AL. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the con-

sideration or decision of this petition. Reported below: 542 Fed. Appx. 75.

No. 14–5926. MOTHERSHED *v.* OKLAHOMA EX REL. OKLAHOMA BAR ASSN. ET AL. C. A. 10th Cir. Motion of petitioner for leave to add additional question to petition for writ of certiorari denied. Certiorari denied. Reported below: 570 Fed. Appx. 746.

No. 14–5942. SOTO *v.* MACOMBER, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 14–6419. BOGDAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 571 Fed. Appx. 837.

Rehearing Denied

No. 14–94. MINERALS DEVELOPMENT & SUPPLY CO., INC., ET AL. *v.* SUPERIOR SILICA SANDS, LLC, *ante*, p. 873. Petition for rehearing denied.

NOVEMBER 7, 2014

Certiorari Granted

No. 14–114. KING ET AL. *v.* BURWELL, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. C. A. 4th Cir. Certiorari granted. Reported below: 759 F. 3d 358.

No. 13–10400. CHEN *v.* MAYOR AND CITY COUNCIL OF BALTIMORE, MARYLAND, ET AL. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the following question: "Whether, under Federal Rule of Civil Procedure 4(m), a district court has discretion to extend the time for service of process absent a showing of good cause, as the Second, Third, Fifth, Seventh, Ninth, Tenth, and Eleventh Circuits have held, or whether the district court lacks such discretion, as the Fourth Circuit has held?" Reported below: 546 Fed. Appx. 187.

NOVEMBER 10, 2014

Dismissal Under Rule 46

No. 14–6542. FOSHAGER *v.* DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS. Ct. App. D. C. Certiorari dismissed under this Court's Rule 46.1.

Certiorari Granted—Reversed and Remanded. (See No. 13–1318, *ante*, p. 10; and No. 14–212, *ante*, p. 13.)

Certiorari Dismissed

No. 14–6326. BOWELL *v.* SMITH. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 584 Fed. Appx. 663.

No. 14–6705. GIBSON *v.* UNITED STATES. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*). Reported below: 563 Fed. Appx. 579.

Miscellaneous Orders

No. 14M46. CRUZ *v.* UNITED STATES; and

No. 14M47. JOSEY *v.* WAL-MART STORES EAST, L. P. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 12–1497. KELLOGG BROWN & ROOT SERVICES, INC., ET AL. *v.* UNITED STATES EX REL. CARTER. C. A. 4th Cir. [Certiorari granted, 573 U. S. 957.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 13–1041. PEREZ, SECRETARY OF LABOR, ET AL. *v.* MORTGAGE BANKERS ASSN. ET AL.; and

No. 13–1052. NICKOLS ET AL. *v.* MORTGAGE BANKERS ASSN. C. A. D. C. Cir. [Certiorari granted, 573 U. S. 916.] Motion of petitioner Jerome Nickols et al. for divided argument denied.

No. 13–10098. JONES *v.* UNITED STATES POSTAL SERVICE. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 801] denied.

No. 13–10477. HIMCHAK *v.* PENNSYLVANIA. Sup. Ct. Pa. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 810] denied.

No. 14–5024. HIRSCH *v.* VERMONT BOARD OF BAR EXAMINERS. Sup. Ct. Vt. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 810] denied.

No. 14–6425. HAM *v.* MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ET AL. C. A. 4th Cir.; and

No. 14–6499. MARTINEZ *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 1. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until December 1, 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.

No. 14–6819. IN RE BRATCHER. Petition for writ of habeas corpus denied.

No. 14–6792. IN RE POIRIER. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court's Rule 39.8.

No. 14–6488. IN RE LEE. Petition for writ of mandamus denied.

No. 14–6647. IN RE CHI MAK. Petition for writ of prohibition denied.

Certiorari Denied

No. 13–1480. ZUCKER, LIQUIDATING SUPERVISOR FOR NETBANK, INC. *v.* FEDERAL DEPOSIT INSURANCE CORPORATION, IN ITS CAPACITY AS RECEIVER OF NETBANK, FSB. C. A. 11th Cir. Certiorari denied. Reported below: 729 F. 3d 1344.

No. 13–10103. JOHNSON *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 13–10695. HUBBARD *v.* ST. LOUIS PSYCHIATRIC REHABILITATION CENTER ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 547.

No. 13–10731. CHARLES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 806.

No. 14–62. ANTHEM PRESCRIPTION MANAGEMENT, LLC, ET AL. *v.* BEEMAN ET AL., DBA BEEMANS PHARMACY, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 332.

No. 14–130. TUSSEY ET AL. *v.* ABB, INC., ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 746 F. 3d 327.

No. 14–133. BLUM ET AL. *v.* HOLDER, ATTORNEY GENERAL. C. A. 1st Cir. Certiorari denied. Reported below: 744 F. 3d 790.

No. 14–146. CITY OF RENO, NEVADA *v.* GOLDMAN, SACHS & CO. C. A. 9th Cir. Certiorari denied. Reported below: 747 F. 3d 733.

No. 14–149. MARINER HEALTH CARE, INC., ET AL. *v.* COLEMAN, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BRINSON. Sup. Ct. S. C. Certiorari denied. Reported below: 407 S. C. 346, 755 S. E. 2d 450.

No. 14–250. SIMMONS *v.* FEDERAL NATIONAL MORTGAGE ASSOCIATION ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–255. KUMAR ET VIR *v.* U. S. BANK N. A. ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 490.

No. 14–258. MATIAS *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 84 Mass. App. 1135, 3 N. E. 3d 111.

No. 14–259. VAN TASSEL *v.* HODGE, JUDGE, COURT OF COMMON PLEAS OF PENNSYLVANIA, LAWRENCE COUNTY, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 565 Fed. Appx. 135.

No. 14–263. SCOTT *v.* METROPOLITAN HEALTH CORP., DBA METROPOLITAN HOSPITAL, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 698.

No. 14–269. BOLES *v.* RIVA ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 845.

No. 14–286. BUTLER *v.* ZONING BOARD OF APPEALS OF FRAMINGHAM, MASSACHUSETTS, ET AL. App. Ct. Mass. Certiorari denied. Reported below: 85 Mass. App. 1112, 5 N. E. 3d 970.

No. 14–289. DANIEL *v.* BANK OF AMERICA, N. A. Sup. Ct. Va. Certiorari denied.

No. 14–290. DANIEL *v.* WELLS FARGO BANK, N. A., ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 197.

No. 14–300. HODGE *v.* OAKLAND UNIFIED SCHOOL DISTRICT ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 726.

No. 14–305. STONEEAGLE SERVICES, INC. *v.* GILLMAN ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 746 F. 3d 1059.

No. 14–313. BELTRANENA *v.* HOLDER, ATTORNEY GENERAL. C. A. 3d Cir. Certiorari denied. Reported below: 555 Fed. Appx. 198.

No. 14–345. WEINBERG *v.* JOHNSON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–356. PHELAN HALLINAN & SCHMIEG, LLP, ET AL. *v.* MCLAUGHLIN, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED. C. A. 3d Cir. Certiorari denied. Reported below: 756 F. 3d 240.

No. 14–359. BUSTILLOS *v.* NEW MEXICO. Ct. App. N. M. Certiorari denied.

No. 14–364. SNYDER *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 97 A. 3d 799.

No. 14–365. MEAD JOHNSON & CO., LLC *v.* JOHNSON, AS GUARDIAN AD LITEM OF H. T. P., A MINOR. C. A. 8th Cir. Certiorari denied. Reported below: 754 F. 3d 557.

No. 14–372. CITY OF DECHERD, TENNESSEE, ET AL. *v.* FREEZE ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 753 F. 3d 661.

No. 14–373. BROWN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 14–383. DADO *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 759 F. 3d 550.

No. 14–386. KANOFSKY ET AL. *v.* CITY OF PHILADELPHIA, TAX REVIEW BOARD. Commw. Ct. Pa. Certiorari denied. Reported below: 66 A. 3d 818.

No. 14–389. CORPORATION AND CLIENT *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 745 F. 3d 681.

No. 14–394. LOOK *v.* STATE BAR OF CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–397. QUINTANILLA *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 2d Cir. Certiorari denied.

No. 14–401. MORGAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 292.

No. 14–406. FREY ET AL. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 751 F. 3d 461.

No. 14–408. ROLLINGS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 751 F. 3d 1183.

No. 14–409. O'BRIEN ET UX. *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 2014 WI 54, 354 Wis. 2d 753, 850 N. W. 2d 8.

No. 14–414. THOMPSON *v.* JPMORGAN CHASE BANK, N. A., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 440.

No. 14–423. KB HOME RALEIGH-DURHAM, INC. *v.* ELLIOTT ET AL. Ct. App. N. C. Certiorari denied. Reported below: 231 N. C. App. 332, 752 S. E. 2d 694.

No. 14–5219. MUNOZ *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 14–5693. SPROUSE *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 748 F. 3d 609.

No. 14–5742. SUTTERFIELD *v.* CITY OF MILWAUKEE, WISCONSIN, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 751 F. 3d 542.

No. 14–6100. ARRINGTON *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 624 Pa. 506, 86 A. 3d 831.

No. 14–6135. EVANS *v.* PATTON, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS. C. A. 10th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 716.

No. 14–6136. DAYSON *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 14–6138. DIXON *v.* ZEEM ET AL. C. A. 5th Cir. Certiorari denied.

No. 14–6139. ROBERTS *v.* MYRICK, SUPERINTENDENT, TWO RIVERS CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied.

No. 14–6143. SANCHEZ *v.* CALFEE ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 428.

No. 14–6147. PETKOWSKI *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 14–6152. DANFORD *v.* GRAHAM, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 14–6154. COURON *v.* DAVIS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6156. MELVIN *v.* FELKER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6163. PEREZ *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 625 Pa. 601, 93 A. 3d 829.

No. 14–6174. SORENSEN *v.* WASHINGTON ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–6175. WASHINGTON *v.* GRACE ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 533 Fed. Appx. 68.

No. 14–6176. TRUSS *v.* BURT, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6177. VAN BUREN *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–6178. TRAUTH *v.* TILLMAN, WARDEN. Sup. Ct. Ga. Certiorari denied.

No. 14–6182. JOHNSON *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 14–6186. ORPIADA *v.* MCDANIEL, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 750 F. 3d 1086.

No. 14–6188. JOHNSTON *v.* JOHNSTON, AS TRUSTEE OF THE MAE CHARLAYNE JOHNSTON REVOCABLE FAMILY TRUST. Ct. App. Tenn. Certiorari denied.

No. 14–6189. MADU *v.* FORT WORTH POLICE DEPARTMENT ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 341.

No. 14–6191. SCOTT *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–6199. GONZALES *v.* BRAVO, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 673.

No. 14–6201. SHIELDS *v.* NEW YORK. C. A. 2d Cir. Certiorari denied.

No. 14–6205. ANDERSON *v.* MACLAREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6217. BARNER *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 14–6218. BURR *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 14–6224. LUIS BRIONES *v.* IVORY ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 327.

No. 14–6227. DEERING *v.* ROMANOWSKI, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6250. JONES *v.* BOOKER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6309. KIM *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 14–6311. LAVERGNE *v.* ADVANCIAL FEDERAL CREDIT UNION. C. A. 5th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 447.

No. 14–6316. VINSON *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 14–6317. LEWIS *v.* JPMORGAN CHASE BANK, N. A. C. A. 5th Cir. Certiorari denied.

No. 14–6322. PAUL *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 145 So. 3d 854.

No. 14–6330. BEHRENS *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 8th Cir. Certiorari denied.

No. 14–6333. QUINONEZ IBARRA *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 14–6356. DANIELS *v.* HOFFNER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6362. TAPKE *v.* MOORE, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 430.

No. 14–6371. MURRAY *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 7. Certiorari denied.

No. 14–6380. YOW MING YEH *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 751 F. 3d 1075.

No. 14–6385. TATUM *v.* MURPHY, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 14–6392. MOORE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6401. MARTIN *v.* BYERS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 225.

No. 14–6404. DOUGAN *v.* PUGH, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–6411. LIRA *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–6417. SUMMERS *v.* BAKER, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 548.

No. 14–6432. ELIZONDO *v.* NEVEN, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–6448. DRAPER *v.* LINDAMOOD, WARDEN. Ct. Crim. App. Tenn. Certiorari denied.

No. 14–6454. MATTHEWS *v.* HULL ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 298.

No. 14–6458. MELOT ET UX. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 646.

No. 14–6460. SPINKS *v.* MONTANA. Sup. Ct. Mont. Certiorari denied. Reported below: 375 Mont. 554, 346 P. 3d 1134.

No. 14–6471. DEJOURNETT *v.* STEELE, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 14–6482. RIVERA *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 147 So. 3d 526.

No. 14–6487. SMITH *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 14–6506. ROGERS *v.* ILLINOIS. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2013 IL App (5th) 120499–U.

No. 14–6521. CERVANTES-SOSA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6524. JACOBSON *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 14–6529. DEL MONTE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6539. TERRERO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 778.

No. 14–6540. GODWIN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 765 F. 3d 1306.

No. 14–6541. JOHNSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 560.

No. 14–6544. SPRUELL *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 571 Fed. Appx. 100.

No. 14–6545. GERICK *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 405.

No. 14–6546. GONZALEZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 764 F. 3d 159.

No. 14–6547. GROOMS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 548.

No. 14–6548. HEATH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–6549. GARCIA *v.* ATKINSON, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 546 Fed. Appx. 888.

No. 14–6550. ALBERTO FLORES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 372.

No. 14–6551. FLINT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6552. IHEME *v.* SMITH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 14–6554. RICE *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 746 F. 3d 1074.

No. 14–6556. CALLOWAY *v.* TEXAS HEALTH AND HUMAN SERVICES COMMISSION ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 429.

No. 14–6557. VANLAAR *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 168.

No. 14–6558. WILLIAMS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 177.

No. 14–6563. ALAZZAM *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 310.

No. 14–6564. PEEL *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 688.

No. 14–6568. GERHARD *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–6572. WOOLRIDGE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 463.

No. 14–6577. EATON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–6578. GUILLERMO SANCHEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 473.

No. 14–6581. CLAUDE X *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–6583. HOWER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–6584. GREGORY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 900.

No. 14–6586. FLORES-CAMPOS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 519.

No. 14–6587. FULTON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 391.

No. 14–6588. CARRASCO GAMEZ *v.* HORNE, ATTORNEY GENERAL OF ARIZONA, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–6594. DORSEY *v.* RELF ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 401.

No. 14–6595. DOE, A JUVENILE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 656.

No. 14–6600. HAGANS *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 96 A. 3d 1.

No. 14–6609. QUANG VAN NGUYEN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 992.

No. 14–6611. PITTMAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 823.

No. 14–6612. MCNEIL *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 85 Mass. App. 1125, 10 N. E. 3d 177.

No. 14–6613. OPOKU-AGYEMANG *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 553 Fed. Appx. 95.

No. 14–6615. NORMAN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 751 F. 3d 107.

No. 14–6616. STILLING *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6622. HALLAHAN ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 756 F. 3d 962.

No. 14–6623. GARCIA *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 758 F. 3d 714.

No. 14–6624. HOLMES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 209.

No. 14–6627. HOLLOWAY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 49.

No. 14–6630. DRAPER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 152.

No. 14–6637. MOODY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 223.

No. 14–6638. MOORE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 208.

No. 14–6639. ALBINO-LOE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 747 F. 3d 1206.

No. 14–6640. RAD *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 559 Fed. Appx. 148.

No. 14–6641. TOVAR *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 478.

No. 14–6642. PAUL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 780.

No. 14–6649. WARSHAK *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–6654. BRIONES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 580.

No. 14–6655. ROGERS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 440.

No. 14–6656. ABEL RAMIREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 398.

No. 14–6657. PEREZ-PRADO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–6659. BIEAR *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 558 Fed. Appx. 61.

No. 14–6660. ANDERSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–6661. BODY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 760.

No. 14–6664. PHILLIPS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 14–6667. MEALS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 289.

No. 14–6668. HYMAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 770.

No. 14–6671. GARRISON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 732.

No. 14–6672. GOSNELL *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 14–6674. TALLENT *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 343.

No. 14–6677. WICKWARE *v.* UNITED STATES. C. A. Armed Forces. Certiorari denied. Reported below: 73 M. J. 350.

No. 14–6678. JOHNSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 580 Fed. Appx. 129.

No. 14–6681. BONNER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 250.

No. 14–6682. BELL *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 761 F. 3d 900.

No. 14–6683. ADIGUN, AKA AFOLABI *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 708.

No. 14–6685. HERNANDEZ *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 751 F. 3d 538.

No. 14–6687. SHAW *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 758 F. 3d 1187.

No. 14–6689. SPENCER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 274.

No. 14–6690. GILLENWATER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 749 F. 3d 1094.

No. 14–6691. MOHAMMED *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–6692. MARVIN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 255.

No. 14–6693. DOZIER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 572 Fed. Appx. 156.

No. 14–6695. FARLEE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 757 F. 3d 810.

No. 14–6697. GABOR *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 750 F. 3d 619.

No. 14–6700. WHALEN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 533.

No. 14–6701. JONES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 145.

No. 14–6703. HAMMONDS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 572 Fed. Appx. 126.

No. 14–6712. DORE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 586 Fed. Appx. 42.

No. 14–6713. ALBERTO BARAJAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 287.

No. 14–6714. BING *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6718. OWENS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–6720. PEREZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 787.

No. 14–6723. COPPIN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 326.

No. 14–6729. HUNTLEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 903.

No. 14–6732. ESQUIVEL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 270.

No. 14–6736. STANLEY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 753 F. 3d 114.

No. 14–6737. SCHLAGER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 573 Fed. Appx. 106.

No. 14–6738. LAMPKIN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 157.

No. 14–6740. DUSHANE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–6748. HARGES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 326.

No. 14–6755. SHAW *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 860.

No. 13–852. FEDERAL NATIONAL MORTGAGE ASSOCIATION *v.* SUNDQUIST. Sup. Ct. Utah. Motion of Clearing House Association L. L. C. for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 2013 UT 45, 311 P. 3d 1004.

No. 13–1227. CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS *v.* FARINA. C. A. 11th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 536 Fed. Appx. 966.

No. 14–29. WHITMAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 555 Fed. Appx. 98.

STATEMENT OF JUSTICE SCALIA, with whom JUSTICE THOMAS joins, respecting the denial of certiorari.

A court owes no deference to the prosecution's interpretation of a criminal law. Criminal statutes "are for the courts, not for the

Government, to construe." *Abramski* v. *United States*, 573 U. S. 169, 191 (2014). This case, a criminal prosecution under § 10(b) of the Securities Exchange Act of 1934, 48 Stat. 491, as amended, 15 U. S. C. 78j(b), raises a related question: Does a court owe deference to an executive agency's interpretation of a law that contemplates both criminal and administrative enforcement?

The Second Circuit thought it does. It deferred to the Securities and Exchange Commission's interpretation of § 10(b), see *United States* v. *Royer*, 549 F. 3d 886, 899 (2008), and on that basis affirmed petitioner Douglas Whitman's criminal conviction, see 555 Fed. Appx. 98, 107 (2014) (citing *Royer*, *supra*, at 899). Its decision tilled no new ground. Other Courts of Appeals have deferred to executive interpretations of a variety of laws that have both criminal and administrative applications. See, *e. g.*, *United States* v. *Flores*, 404 F. 3d 320, 326–327 (CA5 2005); *United States* v. *Atandi*, 376 F. 3d 1186, 1189 (CA10 2004); *NLRB* v. *Oklahoma Fixture Co.*, 332 F. 3d 1284, 1286–1287 (CA10 2003); *In re Sealed Case*, 223 F. 3d 775, 779 (CADC 2000); *United States* v. *Kanchanalak*, 192 F. 3d 1037, 1047, and n. 17 (CADC 1999); *National Rifle Assn.* v. *Brady*, 914 F. 2d 475, 479, n. 3 (CA4 1990).

I doubt the Government's pretensions to deference. They collide with the norm that legislatures, not executive officers, define crimes. When King James I tried to create new crimes by royal command, the judges responded that "the King cannot create any offence by his prohibition or proclamation, which was not an offence before." *Case of Proclamations*, 12 Co. Rep. 74, 75, 77 Eng. Rep. 1352, 1353 (K. B. 1611). James I, however, did not have the benefit of *Chevron* deference. See *Chevron U. S. A. Inc.* v. *Natural Resources Defense Council, Inc.*, 467 U. S. 837 (1984). With deference to agency interpretations of statutory provisions to which criminal prohibitions are attached, federal administrators can in effect create (and uncreate) new crimes at will, so long as they do not roam beyond ambiguities that the laws contain. Undoubtedly Congress may make it a crime to violate a regulation, see *United States* v. *Grimaud*, 220 U. S. 506, 519 (1911), but it is quite a different matter for Congress to give agencies—let alone for us to *presume* that Congress gave agencies—power to resolve ambiguities in criminal legislation, see *Carter* v. *Welles-Bowen Realty, Inc.*, 736 F. 3d 722, 733 (CA6 2013) (Sutton, J., concurring).

The Government's theory that was accepted here would, in addition, upend ordinary principles of interpretation. The rule of lenity requires interpreters to resolve ambiguity in criminal laws in favor of defendants. Deferring to the prosecuting branch's expansive views of these statutes "would turn [their] normal construction . . . upside-down, replacing the doctrine of lenity with a doctrine of severity." *Crandon* v. *United States*, 494 U. S. 152, 178 (1990) (SCALIA, J., concurring in judgment).

The best that one can say for the Government's position is that in *Babbitt* v. *Sweet Home Chapter, Communities for Great Ore.*, 515 U. S. 687 (1995), we deferred, with scarcely any explanation, to an agency's interpretation of a law that carried criminal penalties. We brushed the rule of lenity aside in a footnote, stating that "[w]e have never suggested that the rule of lenity should provide the standard for reviewing facial challenges to administrative regulations." *Id.*, at 704, n. 18. That statement contradicts the many cases before and since holding that, if a law has both criminal and civil applications, the rule of lenity governs its interpretation in both settings. See, *e. g.*, *Leocal* v. *Ashcroft*, 543 U. S. 1, 11–12, n. 8 (2004); *United States* v. *Thompson/Center Arms Co.*, 504 U. S. 505, 518, n. 10 (1992) (plurality opinion); *id.*, at 519 (SCALIA, J., concurring in judgment). The footnote in *Babbitt* added that the regulation at issue was clear enough to fulfill the rule of lenity's purpose of providing "fair warning" to would-be violators. 515 U. S., at 704, n. 18. But that is not the only function performed by the rule of lenity; equally important, it vindicates the principle that only the *legislature* may define crimes and fix punishments. Congress cannot, through ambiguity, effectively leave that function to the courts—much less to the administrative bureaucracy. See *United States* v. *Wiltberger*, 5 Wheat. 76, 95 (1820). *Babbitt*'s drive-by ruling, in short, deserves little weight.

Whitman does not seek review on the issue of deference, and the procedural history of the case in any event makes it a poor setting in which to reach the question. So I agree with the Court that we should deny the petition. But when a petition properly presenting the question comes before us, I will be receptive to granting it.

No. 14–132. MARTEL, WARDEN *v.* LUJAN. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 734 F. 3d 917.

No. 14–6669. GROVES *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 755 F. 3d 588.

No. 14–6680. BAREFOOT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 754 F. 3d 226.

No. 14–6733. BROWN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

Rehearing Denied

No. 13–9903. JACKSON *v.* CITY OF MEMPHIS, TENNESSEE, *ante*, p. 830. Petition for rehearing denied.

NOVEMBER 12, 2014

Miscellaneous Order

No. 14A503. MOSER, SECRETARY OF THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT, ET AL. *v.* MARIE ET AL. D. C. Kan. Application for stay, presented to JUSTICE SOTOMAYOR, and by her referred to the Court, denied. The order heretofore entered by JUSTICE SOTOMAYOR is vacated. JUSTICE SCALIA and JUSTICE THOMAS would grant the application for stay.

NOVEMBER 13, 2014

Miscellaneous Order

No. 14A493. MARICOPA COUNTY, ARIZONA, ET AL. *v.* LOPEZ-VALENZUELA ET AL. C. A. 9th Cir. Application for stay, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. The order heretofore entered by JUSTICE KENNEDY is vacated.

Statement of JUSTICE THOMAS, with whom JUSTICE SCALIA joins, respecting the denial of the application for a stay.

Applicant asks us to stay a judgment of the United States Court of Appeals for the Ninth Circuit holding unconstitutional an amendment to the Arizona Constitution that the State's citizens approved overwhelmingly in a referendum eight years ago. I join my colleagues in denying this application only because there

appears to be no "reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari." *Hollingsworth* v. *Perry*, 558 U. S. 183, 190 (2010) (*per curiam*). That is unfortunate.

We have recognized a strong presumption in favor of granting writs of certiorari to review decisions of lower courts holding federal statutes unconstitutional. See *United States* v. *Bajakajian*, 524 U. S. 321, 327 (1998); *United States* v. *Gainey*, 380 U. S. 63, 65 (1965). States deserve no less consideration. See *Janklow* v. *Planned Parenthood, Sioux Falls Clinic*, 517 U. S. 1174, 1177 (1996) (SCALIA, J., dissenting from denial of certiorari) ("This decision is questionable enough that we should, since the invalidation of state law is at issue, accord review"). Indeed, we often review decisions striking down state laws, even in the absence of a disagreement among lower courts. See, *e. g.*, *Hollingsworth* v. *Perry*, 570 U. S. 693 (2013); *Cook* v. *Gralike*, 531 U. S. 510 (2001); *Saenz* v. *Roe*, 526 U. S. 489 (1999); *Renne* v. *Geary*, 501 U. S. 312 (1991); *Massachusetts* v. *Oakes*, 491 U. S. 576 (1989). But for reasons that escape me, we have not done so with any consistency, especially in recent months. See, *e. g.*, *Herbert* v. *Kitchen*, *ante*, p. 874; *Smith* v. *Bishop*, *ante*, p. 875; *Rainey* v. *Bostic*, *ante*, p. 875; *Walker* v. *Wolf*, *ante*, p. 876; see also *Otter* v. *Latta*, *ante*, p. 929 (denying a stay); *Parnell* v. *Hamby*, *ante*, p. 951 (same). At the very least, we owe the people of Arizona the respect of our review before we let stand a decision facially invalidating a state constitutional amendment.

Of course, the Court has yet to act on a petition for a writ of certiorari in this matter, and I hope my prediction about whether that petition will be granted proves wrong. Our recent practice, however, gives me little reason to be optimistic.

Certiorari Denied

No. 14–7022 (14A491). BANKS *v.* FLORIDA. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 150 So. 3d 797.

No. 14–7113 (14A515). BANKS *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 592 Fed. Appx. 771.

NOVEMBER 17, 2014

Certiorari Granted—Reversed and Remanded. (See No. 14–95, *ante*, p. 21.)

Certiorari Dismissed

No. 14–6213. BITON *v.* UNITED STATES ET AL. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*).

No. 14–6464. MURPHY *v.* NORTH DAKOTA. Sup. Ct. N. D. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 2014 ND 84, 845 N. W. 2d 327.

No. 14–6579. CREDICO *v.* UNKNOWN EMPLOYEE OF THE HOUSTON FEDERAL BUREAU OF INVESTIGATION FORFEITURE UNIT ET AL. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 567 Fed. Appx. 83.

Miscellaneous Orders

No. D–2782. IN RE DISBARMENT OF BICKERSTAFF. Disbarment entered. [For earlier order herein, see 573 U. S. 978.]

No. D–2783. IN RE DISBARMENT OF ROMINGER. Disbarment entered. [For earlier order herein, see 573 U. S. 978.]

No. D–2784. IN RE DISBARMENT OF WACHHOLZ. Disbarment entered. [For earlier order herein, see 573 U. S. 978.]

No. D–2785. IN RE DISBARMENT OF FROST. Disbarment entered. [For earlier order herein, see 573 U. S. 978.]

No. D–2786. IN RE DISBARMENT OF BRADLEY. Disbarment entered. [For earlier order herein, see 573 U. S. 978.]

No. D–2787. IN RE DISBARMENT OF HOROWITZ. Disbarment entered. [For earlier order herein, see 573 U. S. 978.]

No. D–2788. In re Disbarment of Richbourg. Disbarment entered. [For earlier order herein, see 573 U. S. 979.]

No. D–2789. In re Disbarment of Greenleaf. Disbarment entered. [For earlier order herein, see 573 U. S. 979.]

No. D–2792. In re Disbarment of Livingston. Disbarment entered. [For earlier order herein, see 573 U. S. 979.]

No. D–2793. In re Disbarment of Lodes. Disbarment entered. [For earlier order herein, see 573 U. S. 979.]

No. D–2794. In re Disbarment of Edelstein. Disbarment entered. [For earlier order herein, see 573 U. S. 979.]

No. D–2795. In re Disbarment of Duffy. Disbarment entered. [For earlier order herein, see 573 U. S. 979.]

No. D–2796. In re Disbarment of Hudson. Disbarment entered. [For earlier order herein, see 573 U. S. 980.]

No. D–2797. In re Disbarment of Plotner. Disbarment entered. [For earlier order herein, see 573 U. S. 980.]

No. D–2798. In re Disbarment of Bachman. Disbarment entered. [For earlier order herein, see 573 U. S. 980.]

No. 13–352. B&B Hardware, Inc. *v.* Hargis Industries, Inc., dba Sealtite Building Fasteners et al., et al. C. A. 8th Cir. [Certiorari granted, 573 U. S 957.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 13–553. Alabama Department of Revenue et al. *v.* CSX Transportation, Inc. C. A. 11th Cir. [Certiorari granted, 573 U. S. 957.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 13–1211. Hana Financial, Inc. *v.* Hana Bank et al. C. A. 9th Cir. [Certiorari granted, 573 U. S. 930.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 13–1352. Ohio *v.* Clark. Sup. Ct. Ohio. [Certiorari granted, 573 U. S. 991.] Motion of respondent for appointment of

counsel granted. Jeffrey L. Fisher, Esq., of Stanford, Cal., is appointed to serve as counsel for respondent in this case.

No. 13–10302. DARNELL *v.* TEXAS. Ct. Crim. App. Tex. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 802] denied.

No. 13–10635. DAVIS *v.* DONAHOE, POSTMASTER GENERAL. C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 810] denied.

No. 14–103. BAKER BOTTS L. L. P. ET AL. *v.* ASARCO LLC. C. A. 5th Cir. [Certiorari granted, 573 U. S. 991.] Motion of petitioners to dispense with printing joint appendix granted.

No. 14–5122. CHENG *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 1. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 811] denied. JUSTICE ALITO took no part in the consideration or decision of this motion.

No. 14–6257. YAN SUI *v.* MARSHACK, CHAPTER 7 TRUSTEE, ET AL. C. A. 9th Cir.;

No. 14–6261. SMIGELSKI *v.* PETERS ET AL. C. A. 2d Cir.;

No. 14–6530. IN RE SMITH; and

No. 14–6559. THOMPSON ET AL. *v.* AULT, WARDEN, ET AL. C. A. 8th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until December 8, 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.

No. 14–6875. IN RE TIMMONS. Petition for writ of habeas corpus denied.

No. 14–6282. IN RE WELCH; and

No. 14–6300. IN RE LEI KE. Petitions for writs of mandamus denied.

No. 14–5179. IN RE HUSBAND. Petition for writ of mandamus denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–6226. IN RE LIBRACE. Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 13–1421. BANK OF AMERICA, N. A. *v.* CAULKETT; and

No. 14–163. BANK OF AMERICA, N. A. *v.* TOLEDO-CARDONA. C. A. 11th Cir. Motion of Loan Syndications and Trading Association et al. for leave to file brief as *amici curiae* in No. 13–1421 granted. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: No. 13–1421, 566 Fed. Appx. 879; No. 14–163, 556 Fed. Appx. 911.

Certiorari Denied

No. 13–10187. HARTMAN *v.* BANK OF NEW YORK MELLON ET AL. C. A. 3d Cir. Certiorari denied.

No. 13–10480. PAYNE *v.* VIRGA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 13–10574. VIOLA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 555 Fed. Appx. 57.

No. 13–10577. OGLE *v.* OHIO. Ct. App. Ohio, 4th App. Dist., Hocking County. Certiorari denied. Reported below: 2013-Ohio-3420.

No. 14–19. TEO ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 3d Cir. Certiorari denied. Reported below: 746 F. 3d 90.

No. 14–48. GLENN-COLUSA IRRIGATION DISTRICT ET AL. *v.* NATURAL RESOURCES DEFENSE COUNCIL ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 749 F. 3d 776.

No. 14–108. WYATT *v.* F. E. V., A MINOR, INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO SANCHEZ GONZALEZ, BY AND THROUGH HER GUARDIAN AD LITEM VASQUEZ, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 747 F. 3d 789.

No. 14–110. DEAN FOODS CO. ET AL. *v.* FOOD LION, LLC, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 739 F. 3d 262.

No. 14–152. SEXTON *v.* PANEL PROCESSING, INC., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 754 F. 3d 332.

No. 14–156. MEDINA ET AL. *v.* COMMONWEALTH OF PUERTO RICO ET AL. Sup. Ct. P. R. Certiorari denied.

No. 14–178. KALYANARAM *v.* AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS AT THE NEW YORK INSTITUTE OF TECHNOLOGY, INC. C. A. 2d Cir. Certiorari denied. Reported below: 742 F. 3d 42.

No. 14–240. METYK ET AL. *v.* KEYCORP ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 540.

No. 14–274. ALIM *v.* KBR, INC. C. A. 5th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 417.

No. 14–287. EMI SERVICES OF NORTH CAROLINA, LLC *v.* DOCRX, INC. Sup. Ct. N. C. Certiorari denied. Reported below: 367 N. C. 371, 758 S. E. 2d 390.

No. 14–293. BONACCI *v.* BONACCI. Ct. App. Tex., 8th Dist. Certiorari denied. Reported below: 420 S. W. 3d 294.

No. 14–295. MAGANA GARCIA *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 429 S. W. 3d 604.

No. 14–296. METZGER *v.* METZGER ET AL. Ct. App. Cal., 2d App. Dist., Div. 3. Certiorari denied. Reported below: 224 Cal. App. 4th 1441, 169 Cal. Rptr. 3d 382.

No. 14–298. SVOBODA ET UX. *v.* BANK OF AMERICA, N. A., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 270.

No. 14–299. ACCEPTANCE CASUALTY INSURANCE CO. *v.* GREAT WEST CASUALTY CO. ET AL. Sup. Ct. Wis. Certiorari denied. Reported below: 2014 WI 20, 353 Wis. 2d 354, 846 N. W. 2d 791.

No. 14–301. CONTE ET AL. *v.* JAKKS PACIFIC, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 563 Fed. Appx. 777.

No. 14–309. WILKENING ET AL. *v.* BOARD OF EDUCATION OF OLDHAM COUNTY, KENTUCKY, ET AL. Ct. App. Ky. Certiorari denied.

No. 14–312. KLAYMAN *v.* ZUCKERBERG ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 753 F. 3d 1354.

No. 14–315. GOODNIS ET AL. *v.* HARRIS, ATTORNEY GENERAL OF CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–320. BARKHORN ET AL. *v.* PORTS AMERICA CHESAPEAKE, LLC. C. A. 4th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 192.

No. 14–335. LEE *v.* MICHIGAN ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–349. GAGNARD ET AL. *v.* GOLDMAN, TRUSTEE OF THE GOLDMAN LIVING TRUST, U/A/D DECEMBER 19, 2000. C. A. 7th Cir. Certiorari denied. Reported below: 757 F. 3d 575.

No. 14–371. JONES ET AL. *v.* MCNEESE. C. A. 8th Cir. Certiorari denied. Reported below: 746 F. 3d 887.

No. 14–421. LEAGUE OF WOMEN VOTERS OF CHICAGO ET AL. *v.* CITY OF CHICAGO. C. A. 7th Cir. Certiorari denied. Reported below: 757 F. 3d 722.

No. 14–437. BLAKENEY *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 77 A. 3d 328.

No. 14–442. SEECO, INC., ET AL. *v.* STEWMON. C. A. 8th Cir. Certiorari denied.

No. 14–5024. HIRSCH *v.* VERMONT BOARD OF BAR EXAMINERS. Sup. Ct. Vt. Certiorari denied. Reported below: 2014 VT 28, 196 Vt. 170, 95 A. 3d 412.

No. 14–5078. BRENT *v.* WENK ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 555 Fed. Appx. 519.

No. 14–5092. TUCCIO *v.* U. S. SECURITY ASSOCIATES, INC. C. A. 2d Cir. Certiorari denied. Reported below: 562 Fed. Appx. 6.

No. 14–5095. WATKINS *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–5188. WHITELEY *v.* HOLDER, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied. Reported below: 544 Fed. Appx. 373.

No. 14–5193. KHAMATI *v.* LEW, SECRETARY OF THE TREASURY. C. A. 6th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 434.

No. 14–5207. FISHER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 745 F. 3d 200.

No. 14–5216. GARCIA-CARRILLO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 749 F. 3d 376.

No. 14–5705. MILLER *v.* CAROLINAS HEALTHCARE SYSTEM. C. A. 4th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 239.

No. 14–5760. JACKSON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 58 Cal. 4th 724, 319 P. 3d 925.

No. 14–5963. GRASSI *v.* COLORADO. Sup. Ct. Colo. Certiorari denied. Reported below: 320 P. 3d 332.

No. 14–6155. LITTLE DAVIS *v.* LOUISIANA (Reported below: 2013–275 (La. App. 3 Cir. 10/23/13), 129 So. 3d 554); and SALTZMAN *v.* LOUISIANA (2013–276 (La. App. 3 Cir. 10/23/13), 128 So. 3d 1060). Ct. App. La., 3d Cir. Certiorari denied.

No. 14–6209. DAY *v.* JOHNSON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6211. HURLEY *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 548 Fed. Appx. 946.

No. 14–6219. BELLON *v.* RUSSELL, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 14–6222. BRYSON *v.* MCLAUGHLIN, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 14–6223. BEALER *v.* GODINEZ ET AL. C. A. 7th Cir. Certiorari denied.

No. 14–6225. JAMES *v.* MARTIN, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 594.

No. 14–6230. DOUTHIT *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–6233. REMBERT *v.* FLORIDA. C. A. 11th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 908.

No. 14–6234. McDonald *v.* Cain, Warden, et al. C. A. 5th Cir. Certiorari denied. Reported below: 542 Fed. Appx. 431.

No. 14–6235. Peyton *v.* Superior Court of California, Ventura County, et al. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 14–6237. Lavergne *v.* Sanford et al. C. A. 5th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 385.

No. 14–6241. Brooks *v.* Illinois. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 112357–U.

No. 14–6242. Sherwood *v.* Holloway, Warden. C. A. 6th Cir. Certiorari denied.

No. 14–6246. Stewart *v.* Florida. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 101 So. 3d 945.

No. 14–6252. Sherwood *v.* Jordan. C. A. 6th Cir. Certiorari denied.

No. 14–6256. Settles *v.* LeGrand, Warden, et al. C. A. 9th Cir. Certiorari denied.

No. 14–6258. Elliott *v.* Michigan. Ct. App. Mich. Certiorari denied.

No. 14–6265. Bell *v.* Stephens, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied.

No. 14–6266. Arnold *v.* Ohio. Ct. App. Ohio, 2d App. Dist., Montgomery County. Certiorari denied. Reported below: 2013-Ohio-5336, 2 N. E. 3d 1009.

No. 14–6268. Gaffney *v.* Bishop et al. C. A. 4th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 166.

No. 14–6269. McClure *v.* Oregon Board of Parole and Post-Prison Supervision. Ct. App. Ore. Certiorari denied. Reported below: 263 Ore. App. 406, 329 P. 3d 814.

No. 14–6270. Prophet *v.* West Virginia. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 234 W. Va. 33, 762 S. E. 2d 602.

No. 14–6276. ADAMS *v.* CITY OF FEDERAL WAY, WASHINGTON, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 347.

No. 14–6280. SALAZAR *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 14–6281. WOODS *v.* REGENTS OF THE UNIVERSITY OF CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 14–6291. GRANSTROM *v.* GRANSTROM. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 150 So. 3d 1144.

No. 14–6296. BALLARD *v.* GEO GROUP, INC., ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 799.

No. 14–6305. CAVIN *v.* WOLFENBARGER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6307. SMITH *v.* CRICKMAR, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 14–6310. JONES *v.* FLORIDA PAROLE COMMISSION. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 141 So. 3d 184.

No. 14–6344. WASHINGTON *v.* OREGON. Sup. Ct. Ore. Certiorari denied. Reported below: 355 Ore. 612, 330 P. 3d 596.

No. 14–6346. PADDY *v.* WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–6365. CESAL *v.* FEDERAL PRISON INDUSTRIES, INC., ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 585.

No. 14–6379. WHITE *v.* KANSAS CITY AREA TRANSPORTATION AUTHORITY. C. A. 8th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 730.

No. 14–6426. S. Y. H. *v.* FLORIDA BOARD OF BAR EXAMINERS. Sup. Ct. Fla. Certiorari denied.

No. 14–6428. LOMELI *v.* HOLDER, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 630.

No. 14–6474. MUHAMMAD *v.* SUPERIOR COURT OF CALIFORNIA, CONTRA COSTA COUNTY, ET AL. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 14–6479. SANCHEZ *v.* JONES, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–6480. THUNDERBIRD *v.* OREGON ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 693.

No. 14–6481. SUNDAY *v.* JONES, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–6526. BRIGGS *v.* SOTO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6582. WASHINGTON *v.* DONAHOE, POSTMASTER GENERAL, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 244.

No. 14–6653. THOMPSON *v.* MISSOURI BOARD OF PAROLE ET AL. C. A. 8th Cir. Certiorari denied.

No. 14–6706. GREGORY *v.* GENERAL SERVICES ADMINISTRATION. C. A. D. C. Cir. Certiorari denied. Reported below: 555 Fed. Appx. 7.

No. 14–6707. GUZMAN CORREA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 741 F. 3d 179.

No. 14–6726. CUETO-PARRA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 362.

No. 14–6727. WEEKS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6730. GRIBBEN *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 14–6735. PARTMAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 205.

No. 14–6741. PERICLES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 776.

No. 14–6742. STANTON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 566 Fed. Appx. 166.

No. 14–6763. BUTLER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 683.

No. 14–6766. CURTIS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 769 F. 3d 271.

No. 14–6768. HAYDEN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 759 F. 3d 842.

No. 14–6770. MERRICKS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 753.

No. 14–6771. HEALY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 661.

No. 14–6772. LEVITAN *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 115 So. 3d 1065.

No. 14–6774. JOHNSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 650.

No. 14–6775. JACKSON *v.* FOSTER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–6777. BYRD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 444.

No. 14–6779. BOBO *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 502.

No. 14–6780. AKANDE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 14–6783. TODDIE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–6784. TIPTON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 743.

No. 14–6788. BYERS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–6789. BELL *v.* UNITED STATES ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 574 Fed. Appx. 59.

No. 14–6790. PETERSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 559 Fed. Appx. 92.

No. 14–6794. JACKSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 401.

No. 14–6795. JONES *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–6798. TORRES-SABRADO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–6801. SANTIESTEBAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 857.

No. 14–6803. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 833.

No. 14–6804. JOHNSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 241.

No. 14–6805. COLLINS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 262.

No. 14–6811. PALADIN *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 748 F. 3d 438.

No. 14–6812. MCCREA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 157.

No. 14–6816. REYES *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 755 F. 3d 210.

No. 14–6817. ROUECHE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–6823. MARCH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 145.

No. 14–6828. LOCKLEAR *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 175.

No. 14–331. ARTHEY ET AL. *v.* SCHLUMBERGER TECHNOLOGY CORP. Sup. Ct. Tex. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 435 S. W. 3d 250.

No. 14–6725. PEREZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 14–6758. THOMAS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 568 Fed. Appx. 239.

Rehearing Denied

No. 13–1129. TURNER *v.* UNITED STATES, *ante*, p. 814;

No. 13–1268. DIZE, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF DIZE *v.* ASSOCIATION OF MARYLAND PILOTS, *ante*, p. 815;

No. 13–10292. PATKINS *v.* GONZALES ET AL., *ante*, p. 840;

No. 13–10401. RAY *v.* OLENDER, *ante*, p. 845;

No. 13–10718. WOODSON *v.* UNITED STATES, *ante*, p. 863; and

No. 14–5717. MCNAMARA *v.* CALIFORNIA, *ante*, p. 911. Petitions for rehearing denied.

No. 13–10202. HAYES *v.* MINAJ ET AL., *ante*, p. 923. Petition for rehearing denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

NOVEMBER 18, 2014

Certiorari Denied

No. 14–7135 (14A528). TAYLOR *v.* ROPER, WARDEN. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

No. 14–7157 (14A532). TAYLOR *v.* LOMBARDI, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari before judgment denied. JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE SOTOMAYOR, and JUSTICE KAGAN would grant the application for stay of execution.

NOVEMBER 19, 2014

Miscellaneous Orders

No. 14M63. TAYLOR *v.* LOMBARDI, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 8th Cir. Motion to direct the Clerk to file petition for rehearing of order denying

application (14A532) for stay of execution of sentence of death [*ante*, p. 1020] denied.

No. 142, Orig. FLORIDA *v.* GEORGIA. It is ordered that Ralph I. Lancaster, Esq., of Portland, Me., is appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings, to direct subsequent proceedings, summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The Special Master is directed to submit reports as he may deem appropriate.

The compensation of the Special Master, the allowances to him, the compensation paid to his legal, technical, stenographic, and clerical assistants, the cost of printing his reports, and all other proper expenses, including travel expenses, shall be charged against and be borne by the parties in such proportion as the Court may hereafter direct. [For earlier order herein, see, *e. g.*, *ante*, p. 972.]

NOVEMBER 20, 2014

Miscellaneous Order

No. 14A533. WILSON, ATTORNEY GENERAL OF SOUTH CAROLINA *v.* CONDON ET AL. D. C. S. C. Application for stay, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. JUSTICE SCALIA and JUSTICE THOMAS would grant the application for stay.

NOVEMBER 25, 2014

Certiorari Granted

No. 13–1412. CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, ET AL. *v.* SHEEHAN. C. A. 9th Cir. Certiorari granted. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 743 F. 3d 1211.

No. 14–46. MICHIGAN ET AL. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL.;

No. 14–47. UTILITY AIR REGULATORY GROUP *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL.; and

No. 14–49. NATIONAL MINING ASSN. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. D. C. Cir. Motion of Chamber of Commerce of the United States of America for leave to file

brief as *amicus curiae* granted. Certiorari granted limited to the following question: "Whether the Environmental Protection Agency unreasonably refused to consider costs in determining whether it is appropriate to regulate hazardous air pollutants emitted by electric utilities." Cases consolidated, and a total of one hour is allotted for oral argument. Reported below: 748 F. 3d 1222.

December 1, 2014

Certiorari Dismissed

No. 14–6335. Poullard *v.* Pitman et al. Ct. App. La., 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–6589. Hairston *v.* Samuels, Director, Federal Bureau of Prisons, et al. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*). Reported below: 563 Fed. Appx. 893.

No. 14–6629. D'Antuono *v.* New York. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 114 App. Div. 3d 1225, 984 N. Y. S. 2d 282.

No. 14–6846. McLeod *v.* McLeod. Sup. Ct. Del. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 93 A. 3d 654.

Miscellaneous Orders

No. D–2791. In re Disbarment of Cook. Disbarment entered. [For earlier order herein, see 573 U. S. 979.]

No. D–2819. In re Discipline of Cooper. W. Austin Cooper, of Sacramento., Cal., 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.

No. D–2820. IN RE DISCIPLINE OF BERGER. C. William Berger, of Boynton Beach, Fla., 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.

No. D–2821. IN RE DISCIPLINE OF SCHER. William Goldman Scher, of Hackensack, N. J., 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.

No. D–2822. IN RE DISCIPLINE OF JACKSON. Stephen C. Jackson, of New York, N. Y., 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.

No. D–2823. IN RE DISCIPLINE OF HILL. John W. Hill, of Los Angeles, Cal., 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.

No. D–2824. IN RE DISCIPLINE OF PURCELL. David S. Purcell, of St. Louis, Mo., 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.

No. D–2825. IN RE DISCIPLINE OF STEVENS. Salah A. Stevens, of Owings Mills, Md., 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.

No. D–2826. IN RE DISCIPLINE OF WORSHAM. Michael Craig Worsham, of Forest Hill, Md., 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.

No. 14M48. Jones *v.* Daley et al.;

No. 14M49. Solomon *v.* Dawson, Judge, Circuit Court of Maryland, Prince George's County;

No. 14M50. Phox *v.* George E. Fern Co. et al.;

No. 14M52. Quang Khac Tran *v.* Stephens, Director, Texas Department of Criminal Justice, Correctional Institutions Division;

No. 14M54. Ruiz-Rivera *v.* Department of Education et al.; and

No. 14M55. Crisp *v.* United States. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 14M51. Searcy *v.* Merit Systems Protection Board. Motion for leave to proceed as a veteran granted.

No. 14M53. Hicks *v.* Grounds, Warden. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 13–1499. Williams-Yulee *v.* Florida Bar. Sup. Ct. Fla. [Certiorari granted, 573 U. S. 990.] Motion of petitioner to dispense with printing joint appendix granted.

No. 13–10372. Sandres *v.* Louisiana Division of Administration, Office of Risk Management. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 803] denied.

No. 13–10432. Williams *v.* Day et al. C. A. 4th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 803] denied.

No. 13–10442. Clayton *v.* Stephens, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 810] denied.

No. 13–10658. Castillo *v.* Louisiana (two judgments). Sup. Ct. La. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 803] denied.

No. 14–5018. Thornton *v.* Zickefoose, Warden, et al. C. A. 3d Cir. Motion of petitioner for reconsideration of order

denying leave to proceed *in forma pauperis* [*ante*, p. 805] denied.

No. 14–5142. ASHMORE *v.* ASHMORE. Ct. App. N. Y. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 810] denied.

No. 14–5366. MARTIN *v.* UTTECHT, SUPERINTENDENT, COYOTE RIDGE CORRECTIONS CENTER. C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 811] denied.

No. 14–5578. WHEELER *v.* DESAUTEL ET AL. C. A. 8th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 930] denied.

No. 14–5763. ASHMORE *v.* LEWIS. Ct. App. N. Y. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 931] denied.

No. 14–5812. DUKE *v.* FFRENCH-MULLEN. Ct. Sp. App. Md. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 958] denied.

No. 14–6332. NHUONG VAN NGUYEN *v.* PHAM ET AL. Sup. Ct. Cal.;

No. 14–6435. ALGIE *v.* NORTHERN KENTUCKY UNIVERSITY. C. A. 6th Cir.;

No. 14–6440. DEWALD *v.* MICHIGAN. Ct. App. Mich.; and

No. 14–6831. BARCUS *v.* SEARS, ROEBUCK & CO. C. A. 4th Cir. Motions of petitioners for leave to proceed *in forma pauperis* 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

No. 13–8570. NICHOLS *v.* HEIDLE, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 725 F. 3d 516.

No. 13–10125. ALESHIRE *v.* HARRIS, N. A. C. A. 7th Cir. Certiorari denied. Reported below: 586 Fed. Appx. 668.

No. 13–10246. CAMPBELL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 743 F. 3d 802.

No. 13–10403. GAMBLE *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 30 A. 3d 161.

No. 13–10424. SMITH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 741 F. 3d 1211.

No. 13–10635. DAVIS *v.* DONAHOE, POSTMASTER GENERAL. C. A. 11th Cir. Certiorari denied. Reported below: 550 Fed. Appx. 777.

No. 13–10687. ALI, AKA LESTER *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 624 Pa. 309, 86 A. 3d 173.

No. 13–10699. EDWARDS *v.* UNITED STATES; and
No. 13–10760. AKINS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 746 F. 3d 590.

No. 13–10791. DEDMON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–161. ROSU *v.* CITY OF NEW YORK, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 742 F. 3d 523.

No. 14–197. ILLINOIS *v.* DAVIS. Sup. Ct. Ill. Certiorari denied. Reported below: 2014 IL 115595, 6 N. E. 3d 709.

No. 14–213. ANTROPOVA *v.* HOLDER, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied. Reported below: 553 Fed. Appx. 49.

No. 14–217. TAKEDA PHARMACEUTICAL CO. LTD. ET AL. *v.* ZYDUS PHARMACEUTICALS USA, INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 743 F. 3d 1359.

No. 14–239. CEDAR & WASHINGTON ASSOCIATES, LLC *v.* PORT AUTHORITY OF NEW YORK AND NEW JERSEY ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 751 F. 3d 86.

No. 14–307. GRAIN PROCESSING CORP. *v.* FREEMAN ET AL. Sup. Ct. Iowa. Certiorari denied. Reported below: 848 N. W. 2d 58.

No. 14–319. SMITH *v.* TEXAS. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 14–322. HEARN *v.* OWENS ET AL. C. A. 5th Cir. Certiorari denied.

No. 14–323. Fields *v.* City of Tulsa, Oklahoma, et al. C. A. 10th Cir. Certiorari denied. Reported below: 753 F. 3d 1000.

No. 14–332. ASARCO LLC *v.* Goodwin et al. C. A. 2d Cir. Certiorari denied. Reported below: 756 F. 3d 191.

No. 14–333. Braverman, as Personal Representative for the Estate of Rozier *v.* Granger et al. Ct. App. Mich. Certiorari denied. Reported below: 303 Mich. App. 587, 844 N. W. 2d 485.

No. 14–338. Porauto Industrial Co., Ltd., et al. *v.* United States District Court for the District of Nevada. C. A. Fed. Cir. Certiorari denied. Reported below: 564 Fed. Appx. 1023.

No. 14–340. Friends of Amador County *v.* Jewell, Secretary of the Interior, et al. C. A. 9th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 562.

No. 14–346. T. D. I. *v.* A. P. Ct. Civ. App. Ala. Certiorari denied. Reported below: 153 So. 3d 807.

No. 14–348. City of North Las Vegas, Nevada *v.* 5th & Centennial, LLC, et al. Sup. Ct. Nev. Certiorari denied.

No. 14–352. Kane et al. *v.* Stewart Tilghman Fox & Bianchi, P. A., et al. C. A. 11th Cir. Certiorari denied. Reported below: 755 F. 3d 1285.

No. 14–353. Frith *v.* North Dakota Workforce Safety and Insurance et al. Sup. Ct. N. D. Certiorari denied. Reported below: 2014 ND 93, 845 N. W. 2d 892.

No. 14–376. Ray *v.* GEO Group, Inc., et al. C. A. 5th Cir. Certiorari denied. Reported below: 547 Fed. Appx. 443.

No. 14–381. McIntosh *v.* Texas State Board of Dental Examiners. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 14–387. I. R. E. *v.* Florida Board of Bar Examiners. Sup. Ct. Fla. Certiorari denied.

No. 14–388. Burroughs *v.* Department of the Army. C. A. Fed. Cir. Certiorari denied. Reported below: 559 Fed. Appx. 1002.

No. 14–390. PUJIANG TALENT DIAMOND TOOLS CO., LTD. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 561 Fed. Appx. 988.

No. 14–398. BARNWELL *v.* TPCII, LLC. Sup. Ct. Ga. Certiorari denied. Reported below: 295 Ga. 153, 758 S. E. 2d 281.

No. 14–427. SPECHT ET AL. *v.* GOOGLE, INC. C. A. 7th Cir. Certiorari denied. Reported below: 747 F. 3d 929.

No. 14–429. GLOVER *v.* REESE, COMMISSIONER, GEORGIA DEPARTMENT OF COMMUNITY HEALTH, ET AL. Sup. Ct. Ga. Certiorari denied. Reported below: 295 Ga. 495, 761 S. E. 2d 267.

No. 14–433. ANDERSON *v.* CREECH. C. A. 11th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 679.

No. 14–436. DEVITA *v.* DISTRICT OF COLUMBIA. Ct. App. D. C. Certiorari denied. Reported below: 74 A. 3d 714.

No. 14–440. HITHON *v.* TYSON FOODS, INC. C. A. 11th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 827.

No. 14–455. COOPER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 272.

No. 14–468. FUSCO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 560 Fed. Appx. 43.

No. 14–470. BANERJEE *v.* TOWN OF WILMOT, NEW HAMPSHIRE. C. A. 1st Cir. Certiorari denied.

No. 14–478. MAZE *v.* JOHNSON, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 172.

No. 14–500. KOPLIK ET AL. *v.* FOX, AS LITIGATION TRUSTEE OF PERRY H. KOPLIK & SONS, INC. C. A. 2d Cir. Certiorari denied. Reported below: 567 Fed. Appx. 43.

No. 14–508. PEREIRA ET AL. *v.* REGIONS BANK. C. A. 11th Cir. Certiorari denied. Reported below: 752 F. 3d 1354.

No. 14–5045. HAASE *v.* PEARL RIVER POLYMERS, INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 546 Fed. Appx. 963.

No. 14–5254. HENDERSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 748 F. 3d 788.

No. 14–5299. LAGUNA-ALDACO *v.* UNITED STATES (Reported below: 562 Fed. Appx. 267); PAVON AGUILAR, aka LEONEL AGUILAR, aka VILLAGRANA, aka AGUILAR, aka PAVON-AGUILAR *v.* UNITED STATES (573 Fed. Appx. 354); RIVAS MEDINA, aka RIVAS *v.* UNITED STATES (573 Fed. Appx. 356); PERALTA-MEJIA *v.* UNITED STATES (569 Fed. Appx. 237); VASQUEZ-RIVERA *v.* UNITED STATES (573 Fed. Appx. 314); and ROBINSON-JESUS *v.* UNITED STATES (573 Fed. Appx. 325). C. A. 5th Cir. Certiorari denied.

No. 14–5338. MCLAIN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 709 F. 3d 1198.

No. 14–5356. CANNON *v.* UNITED STATES;
No. 14–5423. MCLAUGHLIN *v.* UNITED STATES; and
No. 14–5457. KERSTETTER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 750 F. 3d 492.

No. 14–5554. HERNANDEZ-ESTRADA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 749 F. 3d 1154.

No. 14–5593. YAN SUI ET AL. *v.* 2176 PACIFIC HOMEOWNERS ASSN. ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 733.

No. 14–5642. JOHNSON *v.* DESJARDINS ET AL. Sup. Ct. Cal. Certiorari denied.

No. 14–5644. HAASE *v.* PATENT AND TRADEMARK OFFICE. C. A. Fed. Cir. Certiorari denied. Reported below: 542 Fed. Appx. 962.

No. 14–5681. DIAZ *v.* SOUTH DAKOTA. Sup. Ct. S. D. Certiorari denied. Reported below: 2014 S.D. 27, 847 N. W. 2d 144.

No. 14–5706. ZINNI ET VIR *v.* M&I MARSHALL & ILSLEY BANK ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 604.

No. 14–5850. FOOTE *v.* MONIZ, SECRETARY OF ENERGY. C. A. D. C. Cir. Certiorari denied. Reported below: 751 F. 3d 656.

No. 14–5912. SMITH *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 139 So. 3d 839.

No. 14–5924. PETRIC *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 157 So. 3d 176.

No. 14–5948. ZINNI ET VIR *v.* JACKSON WHITE, PC, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 613.

No. 14–5953. BOYLE *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 154 So. 3d 171.

No. 14–5974. BLUME *v.* AMERICAN DAIRY QUEEN CORP. C. A. 8th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 545.

No. 14–6308. CLARK *v.* LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2013–0371 (La. App. 1 Cir. 11/8/13).

No. 14–6327. NEWELL *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–6331. ECHOLS *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 495 Mich. 952, 843 N. W. 2d 548.

No. 14–6336. DOLPH-HOSTETTER *v.* WARREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6338. DIXON *v.* GREENE ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–6342. JOHNSON *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 122740–U.

No. 14–6350. CREAMER *v.* MOTORS LIQUIDATION COMPANY GUC TRUST. C. A. 2d Cir. Certiorari denied.

No. 14–6354. CLEGG *v.* WHITE, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–6360. BOSTWICK *v.* SOVEREIGN BANK ET AL. App. Ct. Mass. Certiorari denied. Reported below: 85 Mass. App. 1101, 3 N. E. 3d 615.

No. 14–6361. STROM *v.* STROM. Super. Ct. Pa. Certiorari denied. Reported below: 93 A. 3d 502.

No. 14–6366. De Freitas *v.* Berkowitz et al. C. A. 2d Cir. Certiorari denied.

No. 14–6370. Phillips *v.* Herndon, Warden. C. A. 9th Cir. Certiorari denied. Reported below: 730 F. 3d 773.

No. 14–6376. Esty *v.* Crews, Secretary, Florida Department of Corrections. Sup. Ct. Fla. Certiorari denied. Reported below: 147 So. 3d 522.

No. 14–6377. Webb *v.* Webb. Ct. App. Tenn. Certiorari denied.

No. 14–6384. White *v.* Circuit Court of Michigan, Oakland County. Sup. Ct. Mich. Certiorari denied.

No. 14–6389. Davis-Bey *v.* Virginia. Sup. Ct. Va. Certiorari denied.

No. 14–6396. Pennings *v.* California. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 14–6397. Taylor *v.* Macomber, Acting Warden. C. A. 9th Cir. Certiorari denied.

No. 14–6400. Lopez *v.* Pierce, Warden, et al. C. A. 3d Cir. Certiorari denied.

No. 14–6405. Fischer *v.* Harris, Attorney General of California, et al. C. A. 9th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 631.

No. 14–6410. Stoyanova *v.* Stoitchkov. Ct. Sp. App. Md. Certiorari denied.

No. 14–6413. Yan Sui *v.* Marshack, Chapter 7 Trustee, et al. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 741.

No. 14–6414. Pawley *v.* Crews, Secretary, Florida Department of Corrections. Sup. Ct. Fla. Certiorari denied. Reported below: 145 So. 3d 827.

No. 14–6429. Ruff *v.* McDowell, Warden. C. A. 9th Cir. Certiorari denied.

No. 14–6439. Asbury *v.* South Carolina. Sup. Ct. S. C. Certiorari denied.

No. 14–6444. WHEELER *v.* FALK, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 734.

No. 14–6445. TRUJILLO *v.* SHERMAN, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6449. CLEVELAND *v.* STUART ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 818.

No. 14–6451. ALBARRAN *v.* MONTGOMERY, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 530.

No. 14–6452. ACOSTA *v.* GRIFFIN, SUPERINTENDENT, SULLIVAN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 14–6453. JUAN ACEVEDO, AKA QUINTANA *v.* GUTTIERREZ, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6466. WILLIAMS *v.* CANADY ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 146.

No. 14–6467. CUMMINGS *v.* WHIDDON ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 757 F. 3d 1228.

No. 14–6468. MARSHALL *v.* MCCOLLUM, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 823.

No. 14–6472. ERICKSEN *v.* PLUMLEY, WARDEN, ET AL. Sup. Ct. App. W. Va. Certiorari denied.

No. 14–6475. SMITH *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. Sup. Ct. Ark. Certiorari denied. Reported below: 2014 Ark. 314.

No. 14–6477. MAYBIN *v.* BOOKER ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–6478. WEN LIU *v.* MOUNT SINAI SCHOOL OF MEDICINE ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 559 Fed. Appx. 106.

No. 14–6490. JONES *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–6509. MICHEL *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 14–6522. KITCHEN *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 930.

No. 14–6525. CHAMBERS *v.* NIXON ET AL. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 432 S. W. 3d 266.

No. 14–6536. SALIM *v.* OHIO. Ct. App. Ohio, 5th App. Dist., Guernsey County. Certiorari denied. Reported below: 2014-Ohio-357.

No. 14–6537. FINAMORE *v.* PHILADELPHIA HOUSING AUTHORITY ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 518 Fed. Appx. 70.

No. 14–6553. FLORES TEXIDOR *v.* FOLINO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 573 Fed. Appx. 114.

No. 14–6561. MAHMUD *v.* HOLDER, ATTORNEY GENERAL. C. A. 4th Cir. Certiorari denied. Reported below: 549 Fed. Appx. 206.

No. 14–6566. NELSON *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 145 So. 3d 863.

No. 14–6591. SHIELDS *v.* GEORGIA. Ct. App. Ga. Certiorari denied. Reported below: 325 Ga. App. XXVI.

No. 14–6593. COX *v.* KERESTES, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MAHANOY, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–6599. GRAVEN *v.* OBAMA, PRESIDENT OF THE UNITED STATES, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 612.

No. 14–6601. GRIMES *v.* BARBER ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–6603. GRAHAM *v.* STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. C. A. 5th Cir. Certiorari denied. Reported below: 751 F. 3d 684.

No. 14–6610. PEARSON ET AL. *v.* COMMERCIAL BANK OF OZARK. Sup. Ct. Ala. Certiorari denied.

No. 14–6619. GARIBAY *v.* KING. C. A. 9th Cir. Certiorari denied.

No. 14–6620. HORTON *v.* LAMAS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–6621. MITCHELL *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 201.

No. 14–6636. ROBINSON *v.* LASSITER, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 236.

No. 14–6646. BROWN *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 143 So. 3d 392.

No. 14–6650. TERRELL *v.* CHATMAN, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 744 F. 3d 1255.

No. 14–6658. BRYANT *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 4th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 186.

No. 14–6675. VOITS *v.* NOOTH, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied.

No. 14–6676. THOMPSON *v.* PUSKAR ET AL. Commw. Ct. Pa. Certiorari denied. Reported below: 84 A. 3d 798.

No. 14–6699. SHEA *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 765.

No. 14–6704. FRANKLIN *v.* DEPARTMENT OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 562 Fed. Appx. 970.

No. 14–6709. CLAY *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 390 Kan. 401, 329 P. 3d 484.

No. 14–6715. ROBINSON *v.* LAMARQUE, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 695.

No. 14–6721. PENNINGTON-THURMAN *v.* BANK OF AMERICA, N. A. C. A. 8th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 600.

No. 14–6722. CAMERON *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 300 Kan. 384, 329 P. 3d 1158.

No. 14–6724. DE LA TORRE *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 300 Kan. 591, 331 P. 3d 815.

No. 14–6744. BOOSE *v.* CLEMENTS, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–6747. HAM *v.* METROPOLITAN POLICE DEPARTMENT ET AL. C. A. D. C. Cir. Certiorari denied.

No. 14–6760. ZAMUDIO-OROSCO *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–6761. TALLEY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 410.

No. 14–6791. OLIVA *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–6802. WADE *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 14–6818. ALANIZ *v.* TEXAS. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 14–6824. LONG *v.* BALLARD, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 208.

No. 14–6835. WRIGHT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 180.

No. 14–6839. ROBINSON *v.* TACOMA COMMUNITY COLLEGE. C. A. 9th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 494.

No. 14–6843. RUDOLPH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 752.

No. 14–6844. NELSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 14–6845. PEERMAN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–6847. MCINTOSH *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–6848. GUADALUPE SANCHEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 727.

No. 14–6849. SMITH *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 759 F. 3d 702.

No. 14–6851. PATTERSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–6853. RATIGAN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 587.

No. 14–6855. MOTES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6858. HOANG NGUYEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–6860. RAMOS-PEREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 465.

No. 14–6861. SIMPSON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 523.

No. 14–6864. MOLINA VARELA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 771.

No. 14–6869. BONANO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–6872. ALI *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 14–6881. SLATER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 198.

No. 14–6885. OLIVER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 193.

No. 14–6886. MUNGRO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 754 F. 3d 267.

No. 14–6887. BARKER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 810.

No. 14–6888. GUTIERREZ *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 760 F. 3d 750.

No. 14–6890. FELICIANO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 761 F. 3d 1202.

No. 14–6891. WILLIS ET AL. *v.* UNITED STATES ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 340.

No. 14–6895. WATSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 766 F. 3d 1219.

No. 14–6901. MARFO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 250.

No. 14–6904. BUCHANAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–6906. BERNARD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6907. MATTHEWS *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 753 F. 3d 1321.

No. 14–6909. PURTELL *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 2014 WI 101, 358 Wis. 2d 212, 851 N. W. 2d 417.

No. 14–6915. JOSEPH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 861.

No. 14–6916. LEWIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 667.

No. 14–6956. GRIFFIN *v.* WILSON, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 758.

No. 14–6959. FOREMAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 219.

No. 14–6963. DOVINE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 136.

No. 14–6968. CRAWFORD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 725.

No. 14–6971. WALKER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 746 F. 3d 300.

No. 14–6973. PONCE IBARRA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 382.

No. 13–1044. Cisco Systems, Inc. *v.* Commil USA, LLC. C. A. Fed. Cir. Certiorari denied. Justice Breyer took no part in the consideration or decision of this petition. Reported below: 720 F. 3d 1361.

No. 13–1521. Bailey *v.* United States. C. A. 2d Cir. Certiorari denied. Justice Sotomayor took no part in the consideration or decision of this petition. Reported below: 743 F. 3d 322.

No. 13–10639. Joseph *v.* United States. C. A. 11th Cir. Certiorari denied. Justice Kennedy and Justice Sotomayor would grant the petition for writ of certiorari. Reported below: 559 Fed. Appx. 928.

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 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 de-

cided *Descamps* v. *United States*, 570 U. S. 254 (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, 509 (CA7 2005); *United States* v. *Bankhead*, 746 F. 3d 323, 325 (CA8 2014) (*Descamps* claim); *United States* v. *Cabrera-Gutierrez*, 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 (CADC 2005). Indeed, each considers such briefs even when submitted later in the appellate process than Joseph tried to file his. See, *e. g.*, *Cabrera-Gutierrez*, 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 "unable 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 Federal Rule of Appellate Procedure 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.

No. 14–191. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS *v.* HURLES. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 752 F. 3d 768.

No. 14–358. STRYKER CORP., DBA STRYKER MEDICAL, ET AL. *v.* HILL-ROM SERVICES, INC., ET AL. C. A. Fed. Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 755 F. 3d 1367.

No. 14–447. POP TEST CORTISOL LLC *v.* MERCK & CO., INC., ET AL. Super. Ct. N. J., App. Div. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 14–6264. REDD *v.* CHAPPELL, WARDEN. C. A. 9th Cir. Certiorari 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 not clear that peti-

tioner 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.

No. 14–6328. LEFKOWITZ *v.* WIRTA ET AL. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 14–6437. BAXTER *v.* FLORIDA ET AL. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–6836. COFFMAN *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 766 F. 3d 1246.

No. 14–6957. HOPKINS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 568 Fed. Appx. 143.

Rehearing Denied

No. 13–1444. KALYANARAM *v.* NEW YORK INSTITUTE OF TECHNOLOGY, *ante*, p. 820;

No. 13–1454. ZULUETA *v.* UNITED STATES, *ante*, p. 821;

No. 13–1525. MILES *v.* UNITED STATES, *ante*, p. 824;

No. 13–8899. BROWN *v.* UNITED STATES, *ante*, p. 828;

No. 13–9210. BLAIR *v.* UNITED STATES, *ante*, p. 828;

No. 13–9516. HERRIOTT *v.* HERRIOTT, *ante*, p. 923;

No. 13–9795. Freeman et al. *v.* Sullivan et al., 573 U. S. 950;

No. 13–9967. Chacon *v.* California, *ante*, p. 831;

No. 13–9979. Cartier *v.* Swaney, *ante*, p. 832;

No. 13–10023. In re R. D., *ante*, p. 813;

No. 13–10069. Thompson *v.* Ameriflex et al., *ante*, p. 833;

No. 13–10206. McClinton *v.* Bolin, *ante*, p. 837;

No. 13–10316. Hynoski *v.* Atwood, Malone, Turner & Sabin, P. A., et al., *ante*, p. 841;

No. 13–10339. Sookyeong Kim Sebold *v.* United States, *ante*, p. 842;

No. 13–10377. Johnson *v.* Virginia et al., *ante*, p. 844;

No. 13–10382. Witkin *v.* Frauenheim, Warden, *ante*, p. 844;

No. 13–10390. Christy *v.* United States, *ante*, p. 844;

No. 13–10431. Wilson *v.* Texas, *ante*, p. 847;

No. 13–10443. Ellenburg *v.* Montana, *ante*, p. 848;

No. 13–10691. Weiss *v.* Minnesota, *ante*, p. 862;

No. 13–10738. Wilson *v.* Selma Water Works and Sewer Board, *ante*, p. 864;

No. 13–10740. Houston *v.* Wright et al., *ante*, p. 864;

No. 13–10762. Behrens *v.* Chase Home Finance, *ante*, p. 865.

No. 14–11. DeHorse *v.* DeHorse et al., *ante*, p. 869;

No. 14–16. Williams *v.* Leeds et al., *ante*, p. 869;

No. 14–24. Bourne *v.* Arruda et al., *ante*, p. 870;

No. 14–25. Nowak *v.* Pelc et vir, *ante*, p. 870;

No. 14–31. Willess *v.* United States, *ante*, p. 870;

No. 14–36. Rudy *v.* Lee, Deputy Director, United States Patent and Trademark Office, et al., *ante*, p. 870;

No. 14–58. Rockwell *v.* Industrial Commission of Arizona et al., *ante*, p. 871;

No. 14–84. Kevorkian *v.* California, *ante*, p. 873;

No. 14–141. Northern Building Co. et al. *v.* Hanover Insurance Co., *ante*, p. 875;

No. 14–162. Monzingo *v.* McDonald, Secretary of Veterans Affairs, *ante*, p. 875;

No. 14–5120. Daniels *v.* Caldwell, *ante*, p. 883;

No. 14–5127. Abdulla *v.* University of Arkansas at Little Rock, *ante*, p. 883;

No. 14–5158. Montes *v.* Arizona et al., *ante*, p. 885;

No. 14–5169. RICHARD *v.* WENEROWICZ, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL., *ante*, p. 885;

No. 14–5187. JOHNSON *v.* UNEMPLOYMENT COMPENSATION BOARD OF REVIEW, *ante*, p. 886;

No. 14–5202. STALLWORTH *v.* MISSISSIPPI, *ante*, p. 887;

No. 14–5228. BROWN *v.* UNITED STATES, *ante*, p. 889;

No. 14–5320. IN RE MARTENS, *ante*, p. 812;

No. 14–5368. HOLBROOK *v.* RONNIES LLC, DBA RONNY'S RV PARK, *ante*, p. 895;

No. 14–5370. WILLIAMSON *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, *ante*, p. 896;

No. 14–5376. HIRSCH *v.* NORTHWEST FARM CREDIT SERVICES, *ante*, p. 896;

No. 14–5502. IN RE SMITH, *ante*, p. 812;

No. 14–5551. JEEP *v.* UNITED STATES, *ante*, p. 904;

No. 14–5631. JOHNSON *v.* NATIONAL LABOR RELATIONS BOARD ET AL., *ante*, p. 939;

No. 14–5667. BUCZEK *v.* CONSTRUCTIVE STATUTORY TRUST ET AL., *ante*, p. 909;

No. 14–5692. WILLIAMS *v.* MILWAUKEE HEALTH SERVICES, INC., *ante*, p. 910;

No. 14–5712. WILLIAMS, AKA SHARIFE *v.* FLORIDA, *ante*, p. 911;

No. 14–5713. KELSON *v.* DEPARTMENT OF THE NAVY, *ante*, p. 911;

No. 14–5755. DAVIS *v.* UNITED STATES, *ante*, p. 912;

No. 14–5792. RAMBERT *v.* VARANO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL., *ante*, p. 913;

No. 14–6001. HARRIS *v.* YBARRA, *ante*, p. 942;

No. 14–6325. BRIDGES *v.* UNITED STATES, *ante*, p. 966;

No. 14–6337. EKANEM *v.* UNITED STATES, *ante*, p. 966; and

No. 14–6402. JIMENEZ-RAMIREZ *v.* UNITED STATES, *ante*, p. 968. Petitions for rehearing denied.

No. 13–6348. IN RE TRIMUAR, 571 U. S. 950. Motion for leave to file petition for rehearing denied.

No. 14–5814. CASS *v.* UNITED STATES, *ante*, p. 926. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

DECEMBER 5, 2014

Certiorari Granted

No. 13–1433. BRUMFIELD *v.* CAIN, WARDEN. C. A. 5th Cir. Certiorari granted. Reported below: 744 F. 3d 918.

No. 14–144. WALKER, CHAIRMAN, TEXAS DEPARTMENT OF MOTOR VEHICLES BOARD, ET AL. *v.* TEXAS DIVISION, SONS OF CONFEDERATE VETERANS, INC., ET AL. C. A. 5th Cir. Certiorari granted. Reported below: 759 F. 3d 388.

No. 13–896. COMMIL USA, LLC *v.* CISCO SYSTEMS, INC. C. A. Fed. Cir. Certiorari granted limited to Question 1 presented by the petition. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 720 F. 3d 1361.

DECEMBER 8, 2014

Certiorari Dismissed

No. 14–6531. CREDICO *v.* PENNSYLVANIA ET AL.; and
No. 14–6532. CREDICO *v.* GUTHRIE ET AL. C. A. 3d Cir. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: No. 14–6531, 573 Fed. Appx. 119; No. 14–6532, 570 Fed. Appx. 169.

Miscellaneous Orders

No. 14A420. L'GGRKE *v.* MCGRATH ET AL. D. C. N. D. Okla. Application for stay, addressed to JUSTICE GINSBURG and referred to the Court, denied.

No. 14A480. HIGHSMITH *v.* MACFADYEN ET AL. Ct. Sp. App. Md. Application for stay, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. D–2827. IN RE DISCIPLINE OF SHIPLEY. Howard Neil Shipley, of Washington, D. C., is ordered to show cause, within 40 days, why he should not be sanctioned for his conduct as a member of the Bar of this Court in connection with the petition for certiorari in No. 14–424, *Sigram Schindler Beteiligungsgesellschaft MBH* v. *Lee, Acting Director, Patent and Trademark Office.*

No. 14M56. BELL *v.* BELL FAMILY TRUST;

No. 14M57. SENECA COUNTY, NEW YORK *v.* CAYUGA INDIAN NATION OF NEW YORK; and

No. 14M60. ALLEN *v.* SAUNDERS ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 14M58. CRABTREE ET AL. *v.* FRIENDS OF AMADOR COUNTY. Motion to direct the Clerk to file cross-petition for writ of certiorari out of time denied.

No. 14M59. MOSES *v.* TEXAS WORKFORCE COMMISSION ET AL. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record denied.

No. 14M61. PALMER ET AL. *v.* DOE ET AL. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 13–10356. SCHMIDT *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 802] denied.

No. 13–10683. MCNEIL *v.* MCNEIL. Ct. Sp. App. Md. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 810] denied.

No. 14–5596. IN RE SMITH. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 932] denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–6491. YAN SUI *v.* GOODRICH. C. A. 9th Cir.;

No. 14–6505. TAAL *v.* ST. MARY'S BANK. Sup. Ct. N. H.; and

No. 14–6822. GOINGS *v.* SUMNER COUNTY DISTRICT ATTORNEY'S OFFICE ET AL. C. A. 10th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until December 29, 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.

No. 14–7042. IN RE WILLIAMS; and

No. 14–7128. IN RE BENNER. Petitions for writs of habeas corpus denied.

No. 13–10188. IN RE HARTMAN; and
No. 14–6919. IN RE FAISON. Petitions for writs of mandamus denied.

No. 14–6527. IN RE RICE. Petition for writ of prohibition denied.

Certiorari Denied

No. 13–10784. KENNEDY *v.* TEXAS. Ct. App. Tex., 2d Dist. Certiorari denied. Reported below: 402 S. W. 3d 796.

No. 14–91. NEWMY *v.* JOHNSON ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 758 F. 3d 1008.

No. 14–267. BRADLEY ET AL., CO-EXECUTORS OF THE ESTATE OF FOSTER, DECEASED *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 654.

No. 14–368. DU BOIS *v.* BRADLEY ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 208.

No. 14–369. SIERRA CHEMICAL CO. *v.* SALAS. Sup. Ct. Cal. Certiorari denied. Reported below: 59 Cal. 4th 407, 327 P. 3d 797.

No. 14–370. MED–1 SOLUTIONS, LLC *v.* SUESZ. C. A. 7th Cir. Certiorari denied. Reported below: 757 F. 3d 636.

No. 14–393. D'AMBROSIO *v.* MARINO ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 747 F. 3d 378.

No. 14–396. INHALE, INC. *v.* STARBUZZ TOBACCO, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 755 F. 3d 1038.

No. 14–405. ALEC L., BY AND THROUGH HIS GUARDIAN AD LITEM LOORZ, ET AL. *v.* MCCARTHY, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 561 Fed. Appx. 7.

No. 14–411. CAMPBELL *v.* AIR JAMAICA LTD. ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 760 F. 3d 1165.

No. 14–424. SIGRAM SCHINDLER BETEILIGUNGSGESELLSCHAFT MBH *v.* LEE, ACTING DIRECTOR, PATENT AND TRADE-

MARK OFFICE. C. A. Fed. Cir. Certiorari denied. Reported below: 747 F. 3d 1357.

No. 14–431. ARREGUIN *v.* HOLDER, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied.

No. 14–432. ANDERSON ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 758 F. 3d 1336.

No. 14–473. KHOSIKO ET AL. *v.* DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RALI 2006QS18. C. A. 6th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 539.

No. 14–492. POAG-EMERY *v.* EMERY. Ct. App. Mich. Certiorari denied.

No. 14–495. GOLDSMITH *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 59 Cal. 4th 258, 326 P. 3d 239.

No. 14–496. MITRANO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–497. UNITED STATES EX REL. SMART *v.* CHRISTUS HEALTH, AKA CHRISTUS HEALTH SYSTEM, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 314.

No. 14–498. RUSSELL *v.* CITY OF DALLAS, TEXAS. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 14–499. BRAINTREE LABORATORIES, INC. *v.* NOVEL LABORATORIES, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 749 F. 3d 1349.

No. 14–502. RIANI *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–513. LUCIANO-CASTILLO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 14–515. POWELL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 390.

No. 14–5006. GILLETTE *v.* FRANCOIS, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 191.

No. 14–5040. TORRES *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 14–5066. MASTRANGELO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 510.

No. 14–5072. BISHOP ET UX. *v.* UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE. C. A. 3d Cir. Certiorari denied. Reported below: 559 Fed. Appx. 175.

No. 14–5354. BARTON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–5431. ROMAN-OLIVER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 156.

No. 14–5591. WILKES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 744 F. 3d 1101.

No. 14–5783. QUIROZ *v.* U. S. BANK N. A., AS TRUSTEE, ET AL. C. A. 2d Cir. Certiorari denied.

No. 14–5803. HAASE ET UX. *v.* COUNTRYWIDE HOME LOANS, INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 748 F. 3d 624.

No. 14–6046. WATERS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 759 F. 3d 226 and 573 Fed. Appx. 34.

No. 14–6085. YAN SUI ET UX. *v.* SOUTHSIDE TOWING ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 731.

No. 14–6279. RICHARDSON *v.* MABUS, SECRETARY OF THE NAVY. C. A. 4th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 73.

No. 14–6304. ALLEN *v.* CARPENTER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6484. CORTINA *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 14–6485. CARRILLO *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 14–6494. BRIGHT *v.* DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–6495. ALI *v.* FIGUEROA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6497. MONTANEZ *v.* WOLFENBERGER ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 461.

No. 14–6500. MARSHALL *v.* CENTERPLATE, INC. Super. Ct. N. J., App. Div. Certiorari denied.

No. 14–6501. JONES *v.* BANK OF AMERICA ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 794.

No. 14–6504. THARRINGTON *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied.

No. 14–6519. OLIC *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–6520. KOROMA *v.* SFW ET AL. Ct. Sp. App. Md. Certiorari denied.

No. 14–6523. MARSHALL *v.* ORMAND ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 659.

No. 14–6528. MITCHELL *v.* DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR, ET AL. C. A. 5th Cir. Certiorari denied.

No. 14–6533. BEATTY *v.* ATLANTIC CITY HOUSING AUTHORITY ET AL. Super. Ct. N. J., App. Div. Certiorari denied.

No. 14–6534. BURTON *v.* SUPERIOR COURT OF CALIFORNIA, SAN DIEGO COUNTY, ET AL. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 14–6538. WILSON *v.* DOUGLAS ET AL. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 14–6543. BEARD *v.* BUTLER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–6555. CASTAGNOLA *v.* EDUCATIONAL CREDIT MANAGEMENT CORP. ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–6560. TOBAR *v.* LEE, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 14–6570. LARA MARTINEZ *v.* GEORGIA. Ct. App. Ga. Certiorari denied. Reported below: 325 Ga. App. 267, 750 S. E. 2d 504.

No. 14–6580. DAWSON *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 14–6598. HARPER *v.* MCCLOUD ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 206.

No. 14–6614. NEGRON-BENNETT ET VIR *v.* MCCANDLESS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 246.

No. 14–6617. DEBOSE *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 59 Cal. 4th 177, 326 P. 3d 213.

No. 14–6648. WICK *v.* ARNOLD, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6698. HALL *v.* TEXAS. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 14–6717. MICHAELS *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. Reported below: 219 N. J. 1, 95 A. 3d 648.

No. 14–6731. FORD *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 134 So. 3d 454.

No. 14–6756. RAINVILLE *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 566 Fed. Appx. 1002.

No. 14–6757. TAYLOR *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6809. CORDERO *v.* LEE, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 574 Fed. Appx. 39.

No. 14–6815. DRAUGHON *v.* OHIO. Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied. Reported below: 2014-Ohio-1460.

No. 14–6821. EDWARDS-EL *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–6826. SCHREANE *v.* BEEMON. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 486.

No. 14–6840. MANN *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 508 Fed. Appx. 236.

No. 14–6884. MCCRACKEN *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied.

No. 14–6912. CEDILLO-NARVAEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 761 F. 3d 397.

No. 14–6920. DANIEL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 401.

No. 14–6921. CUBERO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 754 F. 3d 888.

No. 14–6928. OPIYO *v.* BOEHM ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–6930. STRINGER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–6932. WALKER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 547.

No. 14–6938. MIEROP *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–6939. BOWLEG *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 784.

No. 14–6941. ALI YASSINE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 455.

No. 14–6942. WOODSON *v.* MARYLAND STATE'S ATTORNEY OFFICE. C. A. 4th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 201.

No. 14–6955. FRANCO-MURILLO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–6962. DELGADO BELTRAN *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–6975. TROCHEZ-JIMENEZ *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 180 Wash. 2d 445, 325 P. 3d 175.

No. 14–6976. REID *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 751 F. 3d 763.

No. 14–6977. RECTOR *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–6978. MARTINEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–6979. REID *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 196.

No. 14–6984. WYATT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 174.

No. 14–6986. GALLEGOS-SANCHEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–6989. MCINTOSH *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 760.

No. 14–6990. GUTIERREZ DE LOPEZ *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 761 F. 3d 1123.

No. 14–6991. SNYDER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 14–6994. DIROSA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 761 F. 3d 144.

No. 14–6997. JAMES *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 588.

No. 14–6998. JENKINS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–6999. BROWN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 216.

No. 14–7001. GUY *v.* VILSACK, SECRETARY OF AGRICULTURE. C. A. D. C. Cir. Certiorari denied.

No. 14–7002. MEDICINE BLANKET *v.* MILLER, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 578.

No. 14–7005. ANDREWS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 977.

No. 14–7007. BERRYHILL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 310.

No. 14–7008. LLOYD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 203.

No. 14–7009. BAEZ-GIL *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–7011. KENNEY *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 756 F. 3d 36.

No. 14–7014. ROBINSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 754 F. 3d 580.

No. 14–7015. O'BERRY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 694.

No. 14–7025. FORD *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 761 F. 3d 641.

No. 14–7026. GONZALEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 455.

No. 14–7029. RAMOS-DELGADO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 763 F. 3d 398.

No. 14–123. BP EXPLORATION & PRODUCTION INC. ET AL. *v.* LAKE EUGENIE LAND & DEVELOPMENT, INC., ET AL. (Reported below: 744 F. 3d 370); and BP EXPLORATION & PRODUCTION INC. ET AL. *v.* BON SECOUR FISHERIES, INC., ET AL. (739 F. 3d 790). C. A. 5th Cir. Motions of Chamber of Commerce of the United States of America et al., Mobile Area Chamber of Commerce et al., Washington Legal Foundation, and Federation of German Industries et al. for leave to file briefs as *amici curiae* granted. Certiorari denied.

No. 14–417. GLENMARK PHARMACEUTICALS INC., USA, NKA GLENMARK GENERICS, INC., USA, ET AL. *v.* SANOFI-AVENTIS DEUTSCHLAND GMBH ET AL. C. A. Fed. Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 748 F. 3d 1354.

No. 14–517. CHERRY ET AL. *v.* MAYOR AND CITY COUNCIL OF BALTIMORE, MARYLAND, ET AL. C. A. 4th Cir. Motion of National Conference on Public Employee Retirement Systems for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 762 F. 3d 366.

No. 14–5064. LAWRENCE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 735 F. 3d 385.

No. 14–6951. HECKE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–6981. BROWN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–7000. SCINTO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 564 Fed. Appx. 45.

Rehearing Denied

No. 13–1304. TAYLOR *v.* PELUSI ET AL., *ante*, p. 816;

No. 13–1453. DAVIS *v.* UNITED STATES, *ante*, p. 821;

No. 13–10116. SIMPSON *v.* LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT ET AL., *ante*, p. 835;

No. 13–10201. FLETCHER *v.* BOARD OF BAR OVERSEERS OF THE SUPREME JUDICIAL COURT OF MASSACHUSETTS, *ante*, p. 837;

No. 13–10320. PIERSON *v.* CALIFORNIA, *ante*, p. 841;

No. 13–10394. WEBB *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, *ante*, p. 845;

No. 13–10426. ROSS *v.* BALL, SUPERINTENDENT, AVERY/MITCHELL CORRECTIONAL INSTITUTION, ET AL., *ante*, p. 847;

No. 13–10504. STRINGER *v.* UNITED STATES, *ante*, p. 933;

No. 13–10675. LLERENA-MOLINA *v.* HSBC BANK USA, *ante*, p. 861;

No. 13–10717. GRADY *v.* UNITED STATES, *ante*, p. 863;

No. 13–10770. COPPETA *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY, *ante*, p. 866;

No. 14–2. FOSTER *v.* PITNEY BOWES CORP. ET AL., *ante*, p. 868;

No. 14–68. DeGenes *v.* Zappala, District Attorney, Allegheny County, Pennsylvania, et al., *ante*, p. 872;

No. 14–186. Miranda *v.* Byles, *ante*, p. 934;

No. 14–241. Phi Cam Luong *v.* U. S. Bank N. A., *ante*, p. 935;

No. 14–303. Montgomery *v.* United States Postal Service, *ante*, p. 960;

No. 14–5106. Dames *v.* United States, *ante*, p. 882;

No. 14–5144. Kraemer *v.* Grounds, Warden, *ante*, p. 884;

No. 14–5145. Kusak *v.* McAdam et al., *ante*, p. 884;

No. 14–5269. Smith *v.* Arkansas, *ante*, p. 890;

No. 14–5282. Robey *v.* King County, Washington, et al., *ante*, p. 891;

No. 14–5325. Charran *v.* Holder, Attorney General, *ante*, p. 893;

No. 14–5385. Alfred *v.* Florida, *ante*, p. 896;

No. 14–5529. Harvey *v.* Folino, Superintendent, State Correctional Institution at Greene, et al., *ante*, p. 903;

No. 14–5555. In re Tucker, *ante*, p. 932;

No. 14–5556. Thomas *v.* Cumberland County Board of Education et al., *ante*, p. 961;

No. 14–5557. Wingeart *v.* Bergh, Warden, *ante*, p. 904;

No. 14–5632. Jackson *v.* Memorial Hospital of Gardena et al., *ante*, p. 939;

No. 14–5645. Hitchcock *v.* Crews, Secretary, Florida Department of Corrections, et al., *ante*, p. 939;

No. 14–5762. Johnson *v.* Artus, Superintendent, Wende Correctional Facility, *ante*, p. 941;

No. 14–5802. Johnson *v.* Razdan, *ante*, p. 941;

No. 14–6079. In re Bailey, *ante*, p. 812;

No. 14–6125. Buczek *v.* Constructive Statutory Trust et al., *ante*, p. 945;

No. 14–6228. In re Edwards, *ante*, p. 932; and

No. 14–6301. Razzoli *v.* United States, *ante*, p. 965. Petitions for rehearing denied.

December 9, 2014

Miscellaneous Order

No. 14–7439 (14A616). In re Holsey. Application for stay of execution of sentence of death, presented to Justice Thomas,

and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 14–7406 (14A595). GOODWIN *v.* LOMBARDI, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied. JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE SOTOMAYOR, and JUSTICE KAGAN would grant the application for stay of execution. Reported below: 772 F. 3d 1151.

No. 14–7427 (14A603). GOODWIN *v.* MISSOURI. Sup. Ct. Mo. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

No. 14–7457 (14A614). HOLSEY *v.* CHATMAN, WARDEN. Super. Ct. Butts County, Ga. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. JUSTICE BREYER and JUSTICE SOTOMAYOR would grant the application for stay of execution.

DECEMBER 10, 2014

Miscellaneous Order

No. 14–7463 (14A617). IN RE GOODWIN. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 14–7464 (14A618). GOODWIN *v.* STEELE, WARDEN. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied. Reported below: 814 F. 3d 901.

No. 14–7465 (14A619). GOODWIN *v.* STEELE, WARDEN. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

December 12, 2014

Certiorari Granted

No. 13–720. Kimble et al. *v.* Marvel Entertainment, LLC, Successor to Marvel Enterprises, Inc. C. A. 9th Cir. Certiorari granted. Reported below: 727 F. 3d 856.

No. 14–116. Bullard *v.* Blue Hills Bank, fka Hyde Park Savings Bank. C. A. 1st Cir. Certiorari granted. Reported below: 752 F. 3d 483.

No. 14–400. Harris *v.* Viegelahn, Chapter 13 Trustee. C. A. 5th Cir. Certiorari granted. Reported below: 757 F. 3d 468.

No. 14–6381. Toca *v.* Louisiana. Sup. Ct. La. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the following questions: "(1) Does the rule announced in *Miller* v. *Alabama*, 567 U. S. 460 (2012), apply retroactively to this case? (2) Is a federal question raised by a claim that a state collateral review court erroneously failed to find a *Teague* exception?" Reported below: 2013–1880 (La. 6/20/14), 141 So. 3d 265.

December 15, 2014

Certiorari Dismissed

No. 14–6797. Stampone *v.* Fopma et al. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 567 Fed. Appx. 69.

No. 14–6923. Hickmon *v.* Holder, Attorney General. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*).

Miscellaneous Orders. (See also No. 5, Orig., *ante*, p. 105.)

No. 14M64. Doe *v.* Patton, Director, Oklahoma Department of Corrections, et al.; and

No. 14M65. AGOFSKY *v.* UNITED STATES. Motions of petitioners for leave to file petitions for writs of certiorari under seal granted.

No. 14M66. THRASHER *v.* MISSOURI DEPARTMENT OF CORRECTIONS. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 13–271. ONEOK, INC., ET AL. *v.* LEARJET, INC., ET AL. C. A. 9th Cir. [Certiorari granted, 573 U. S. 957.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of Kansas et al. for leave to participate in oral argument as *amici curiae* and for divided argument granted.

No. 13–502. REED ET AL. *v.* TOWN OF GILBERT, ARIZONA, ET AL. C. A. 9th Cir. [Certiorari granted, 573 U. S. 957.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 13–935. WELLNESS INTERNATIONAL NETWORK, LTD., ET AL. *v.* SHARIF. C. A. 7th Cir. [Certiorari granted, 573 U. S. 957.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 13–1421. BANK OF AMERICA, N. A. *v.* CAULKETT; and
No. 14–163. BANK OF AMERICA, N. A. *v.* TOLEDO-CARDONA. C. A. 11th Cir. [Certiorari granted, *ante*, p. 1011.] Motion of petitioner to dispense with printing joint appendix granted.

No. 13–10651. JONES *v.* CITY OF NEW YORK, NEW YORK, ET AL. C. A. 2d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 810] denied.

No. 14–181. GOBEILLE, CHAIR OF THE VERMONT GREEN MOUNTAIN CARE BOARD *v.* LIBERTY MUTUAL INSURANCE CO. C. A. 2d Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 14–6496. NIBLOCK *v.* UNITED STATES. C. A. 4th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 971] denied. JUSTICE

KAGAN took no part in the consideration or decision of this motion.

No. 14–6793. SEATON *v.* WISCONSIN. Sup. Ct. Wis.;

No. 14–6960. M. J. *v.* WASHINGTON UNIVERSITY IN ST. LOUIS PHYSICIANS ET AL. C. A. 8th Cir.; and

No. 14–7077. PRINGLE *v.* UNITED STATES. C. A. D. C. Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until January 5, 2015, 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.

No. 14–7159. IN RE RODRIGUEZ; and

No. 14–7228. IN RE CLARK. Petitions for writs of habeas corpus denied.

No. 14–7188. IN RE CHOYCE. Petition for writ of habeas corpus denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 14–549. IN RE DEL RIO. Petition for writ of mandamus denied.

Certiorari Denied

No. 14–59. SCHULTZ ET AL. *v.* WESCOM ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–139. STANDARD FURNITURE MANUFACTURING CO., INC. *v.* INTERNATIONAL TRADE COMMISSION ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 563 Fed. Appx. 780.

No. 14–260. CHASE INVESTMENT SERVICES CORP. ET AL. *v.* BAUMANN. C. A. 9th Cir. Certiorari denied. Reported below: 747 F. 3d 1117.

No. 14–284. HUMBLE, DIRECTOR, ARIZONA DEPARTMENT OF HEALTH SERVICES *v.* PLANNED PARENTHOOD ARIZONA, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 753 F. 3d 905.

No. 14–297. SQM NORTH AMERICA CORP. *v.* CITY OF POMONA, CALIFORNIA. C. A. 9th Cir. Certiorari denied. Reported below: 750 F. 3d 1036.

No. 14–367. BETLACH, DIRECTOR OF THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM, ET AL. *v.* ALVAREZ ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 519.

No. 14–385. IBARRA RIVERA *v.* COUNTY OF LOS ANGELES, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 745 F. 3d 384.

No. 14–412. STALEY *v.* BANK OF NEW YORK MELLON. C. A. 6th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 227.

No. 14–413. SHAHID *v.* BOROUGH OF DARBY, PENNSYLVANIA. C. A. 3d Cir. Certiorari denied. Reported below: 560 Fed. Appx. 152.

No. 14–415. ROBERT SEUFFER GMBH & CO. KG. *v.* AMERICAN INTERNATIONAL INSURANCE CO. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 468 Mass. 109, 9 N. E. 3d 289.

No. 14–416. HEARN *v.* BOARD OF SUPERVISORS OF HINDS COUNTY, MISSISSIPPI, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 239.

No. 14–422. YOUNG-GIBSON *v.* BOARD OF EDUCATION OF THE CITY OF CHICAGO. C. A. 7th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 694.

No. 14–425. MM&A PRODUCTIONS, LLC *v.* YAVAPAI-APACHE NATION ET AL. Ct. App. Ariz. Certiorari denied. Reported below: 234 Ariz. 60, 316 P. 3d 1248.

No. 14–446. BEAUREGARD *v.* LEWIS COUNTY, WASHINGTON, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 329.

No. 14–451. AFFINITY LOGISTICS CORP. *v.* RUIZ, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED. C. A. 9th Cir. Certiorari denied. Reported below: 754 F. 3d 1093.

No. 14–458. PARRA *v.* COCONUT GROVE BANK. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 143 So. 3d 1155.

No. 14–474. HOFFMANN-LA ROCHE INC. ET AL. *v.* APOTEX INC. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 748 F. 3d 1326.

No. 14–479. BAUMGARTNER *v.* EPPINGER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–480. HICKEY *v.* SCOTT. C. A. D. C. Cir. Certiorari denied.

No. 14–490. MOLINA *v.* AURORA LOAN SERVICES LLC. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 150 So. 3d 1157.

No. 14–501. CLEARSPRING LOAN SERVICES, INC., FKA VANTIUM CAPITAL, INC., DBA ACQURA LOAN SERVICES *v.* GRETSCH. Sup. Ct. Minn. Certiorari denied. Reported below: 846 N. W. 2d 424.

No. 14–507. MONCIER *v.* HASLAM, GOVERNOR OF TENNESSEE, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 553.

No. 14–522. STONECIPHER ET AL. *v.* VALLES ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 759 F. 3d 1134.

No. 14–524. SHINE *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 649.

No. 14–563. SILVERTHORNE *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 147 So. 3d 527.

No. 14–5191. REDDY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 735.

No. 14–5372. NEUHAUSER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 745 F. 3d 125.

No. 14–5738. PEI-YU YANG *v.* MARSHACK. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 740.

No. 14–5799. KAPLAN *v.* MICHIGAN DEPARTMENT OF CORRECTIONS ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–6289. PINNO *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 2014 WI 74, 356 Wis. 2d 106, 850 N. W. 2d 207.

No. 14–6569. HALE *v.* WALLACE. C. A. 8th Cir. Certiorari denied.

No. 14–6585. FELTON *v.* STEPHENSON. C. A. 4th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 280.

No. 14–6590. HARRIS *v.* LYKOS ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 351.

No. 14–6592. PETTIS *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–6596. HUNTER *v.* CLARK. C. A. 6th Cir. Certiorari denied.

No. 14–6597. HODGES *v.* DOWLING, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 655.

No. 14–6602. HICKMAN *v.* HICKMAN ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 742.

No. 14–6604. HARPER *v.* KERESTES, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MAHANOY, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–6605. HEINZE *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 14–6606. JONES *v.* R. C. WILLEY HOME FURNISHINGS. Ct. App. Utah. Certiorari denied.

No. 14–6607. LEON *v.* MONTGOMERY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6608. MCPHERSON *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 22 N. Y. 3d 259, 3 N. E. 3d 657.

No. 14–6625. HARRIS *v.* BURT, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6626. GALVIN *v.* CURTIN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6628. GRAVEN *v.* SIENICKI ET AL. Ct. App. Ariz. Certiorari denied.

No. 14–6631. CORTES *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 14–6632. DURST *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 14–6633. JOHNSON *v.* PUERTO RICO ADMINISTRATION OF CORRECTIONS. C. A. 1st Cir. Certiorari denied.

No. 14–6634. KRAMER *v.* BONDI, ATTORNEY GENERAL OF FLORIDA. C. A. 11th Cir. Certiorari denied.

No. 14–6635. MACKENZIE *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 14–6643. PEREZ *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–6644. MCCRAY *v.* CURTIN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6645. WRIGHT *v.* LANDFORD ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 769.

No. 14–6651. WILLIAMS *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 380.

No. 14–6652. WILLIAMS *v.* BAUMAN, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 759 F. 3d 630.

No. 14–6662. REDDY *v.* SMITH ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 265.

No. 14–6663. MAPLES *v.* PATTERSON, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–6665. MORRISON *v.* KACHE ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 715.

No. 14–6666. SCOTT *v.* D'ILIO, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–6684. GONZALEZ *v.* DUCART, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 774.

No. 14–6686. HENDERSON *v.* LEWIS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 603.

No. 14–6694. CORRION *v.* LATRIELLE ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–6702. MAZZEI *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied.

No. 14–6716. NAKAYA *v.* ALLISON, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6781. SUTTON *v.* NORTH CAROLINA. Gen. Ct. Justice, Super. Ct. Div., Wake County, N. C. Certiorari denied.

No. 14–6786. TAFOLLA *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 14–6868. MAGRINI *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 136 So. 3d 603.

No. 14–6876. THOMPSON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 552.

No. 14–6896. MANSION *v.* SHERMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6911. DAVENPORT *v.* POWERS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–6926. MOORE *v.* PENNSYLVANIA ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–6936. OPIYO *v.* MUSGRAVE ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 491.

No. 14–6940. NJONGE *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 181 Wash. 2d 546, 334 P. 3d 1068.

No. 14–6943. NGUYEN VU *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 87 A. 3d 896.

No. 14–6949. HARRISON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 541 Fed. Appx. 290.

No. 14–7031. OLLOQUE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 584.

No. 14–7036. CHAPMAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 223.

No. 14–7050. BASSETT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 762 F. 3d 681.

No. 14–7057. KAMPER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 748 F. 3d 728.

No. 14–7065. RAMOS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 177.

No. 14–7072. MARQUEZ-CALZADILLA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 375.

No. 14–7121. PINEDA-BARRIENTOS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 353.

No. 14–93. HEALTHBRIDGE MANAGEMENT, LLC, ET AL. *v.* KREISBERG, REGIONAL DIRECTOR OF REGION 34, NATIONAL LABOR RELATIONS BOARD. C. A. 2d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 732 F. 3d 131.

No. 14–407. PREMO, SUPERINTENDENT, OREGON STATE PENITENTIARY *v.* HARRIS. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 582 Fed. Appx. 771.

Rehearing Denied

No. 13–8715. MCKOY *v.* DONAHOE, POSTMASTER GENERAL, ET AL., *ante*, p. 827;

No. 13–10045. PANDEY *v.* HICKENLOOPER, GOVERNOR OF COLORADO, ET AL., *ante*, p. 833;

No. 13–10076. AGUIAR ET AL. *v.* UNITED STATES, *ante*, p. 959;

No. 13–10228. MATHIS *v.* VARANO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL., *ante*, p. 838;

No. 13–10332. AGOSTO *v.* FISCHER ET AL., *ante*, p. 842;

No. 13–10453. MARSHALL *v.* TATUM, WARDEN, *ante*, p. 848;

No. 13–10515. MCCOY *v.* MICHIGAN ET AL., *ante*, p. 852;

No. 13–10634. IN RE DAVIS, *ante*, p. 813;

No. 13–10744. IN RE GAFFNEY, *ante*, p. 812;

No. 13–10789. HINCHLIFFE *v.* WELLS FARGO BANK, *ante*, p. 867;

No. 14–26. ADAMS ET UX. *v.* DISCOVER BANK, *ante*, p. 870;

No. 14–74. BYERS *v.* COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 872;

No. 14–5037. FRATTA *v.* TEXAS, *ante*, p. 936;

No. 14–5102. RIVERA MUNOZ *v.* CITY OF BALCONES HEIGHTS, TEXAS, ET AL., *ante*, p. 936;

No. 14–5176. DERMENDZIEV *v.* UTTECHT, WARDEN, ET AL., *ante*, p. 886;

No. 14–5266. GILLENWATER *v.* UNITED STATES, *ante*, p. 890;

No. 14–5311. IN RE SURLES, *ante*, p. 812;

No. 14–5428. THOMAS *v.* FIDELITY & GUARANTY LIFE INSURANCE CO., *ante*, p. 898;

No. 14–5608. MARTINEZ *v.* UNITED STATES, *ante*, p. 907;

No. 14–5941. RUNNER *v.* MICHIGAN, *ante*, p. 963;

No. 14–5986. MURRAY *v.* UNITED STATES, *ante*, p. 942;

No. 14–6171. QUINN *v.* TACKETT ET AL., *ante*, p. 964; and

No. 14–6567. IN RE BUENCAMINO, *ante*, p. 973. Petitions for rehearing denied.

No. 14–5139. LYLES *v.* SEACOR MARINE, INC., *ante*, p. 925. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

DECEMBER 17, 2014

Miscellaneous Orders

No. 14A625. BREWER, GOVERNOR OF ARIZONA, ET AL. *v.* ARIZONA DREAM ACT COALITION ET AL. C. A. 9th Cir. Application for stay, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. JUSTICE SCALIA, JUSTICE THOMAS, and JUSTICE ALITO would grant the application for stay.

No. 14–46. MICHIGAN ET AL. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL.;

No. 14–47. UTILITY AIR REGULATORY GROUP *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL.; and

No. 14–49. NATIONAL MINING ASSN. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. D. C. Cir. [Certiorari granted, *ante*, p. 1021.] Upon consideration of the letter of December 4, 2014, from counsel for petitioner in No. 14–47 on behalf of the

parties, the following briefing schedule is adopted. Petitioners and respondents in support shall file a total of no more than three briefs on the merits, not to exceed 35,000 words in aggregate, on or before Tuesday, January 20, 2015. Respondents shall file briefs on the merits on or before Wednesday, February 25, 2015, as follows: brief for federal respondents not to exceed 15,000 words, and briefs for state and local government respondents, industry respondents, and nonprofit respondents, not to exceed 10,000 words each. Reply briefs for petitioners and respondents in support, not to exceed 12,000 words in aggregate, shall be filed on or before Wednesday, March 18, 2015.

December 19, 2014

Miscellaneous Order

No. 14A650. Armstrong, Secretary, Florida Department of Health, et al. *v.* Brenner et al. D. C. N. D. Fla. Application for stay, presented to Justice Thomas, and by him referred to the Court, denied. Justice Scalia and Justice Thomas would grant the application for stay.

December 29, 2014

Dismissal Under Rule 46

No. 14–6575. Al-Maqaleh et al. *v.* Hagel, Secretary of Defense, et al. C. A. D. C. Cir. Certiorari dismissed as to petitioners Fadi al-Maqaleh and Amin al-Bakri under this Court's Rule 46.1. Reported below: 738 F. 3d 312.

January 9, 2015

Certiorari Dismissed

No. 13–10400. Chen *v.* Mayor and City Council of Baltimore, Maryland, et al. C. A. 4th Cir. [Certiorari granted, *ante*, p. 988.] Petitioner has not filed a brief on the merits within 45 days of the order granting certiorari, as required by this Court's Rule 25.1. Petitioner has neither requested an extension of time nor responded to correspondence directed to the mailing address provided under this Court's Rule 34.1(f). Additional efforts to contact petitioner have been unsuccessful. Writ of certiorari is accordingly dismissed.

Miscellaneous Orders

No. 13–1371. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS ET AL. *v.* INCLUSIVE COMMUNITIES PROJECT, INC., ET AL. C. A. 5th Cir. [Certiorari granted, 573 U. S. 991.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 13–7120. JOHNSON *v.* UNITED STATES. C. A. 8th Cir. [Certiorari granted, 572 U. S. 1059.] Case restored to the calendar for reargument. Parties are directed to file supplemental briefs addressing the following question: "Whether the residual clause in the Armed Career Criminal Act of 1984, 18 U. S. C. § 924(e)(2)(B)(ii), is uncontitutionally vague." Supplemental brief for petitioner is due on or before Wednesday, February 18, 2015. Supplemental brief for the United States is due on or before Friday, March 20, 2015. Reply brief, if any, is due on or before Friday, April 10, 2015. Time to file *amicus curiae* briefs is as provided for by this Court's Rule 37.3(a). Word limits and cover colors for the briefs should correspond to the provisions of this Court's Rule 33.1(g) pertaining to briefs on the merits rather than to the provision pertaining to supplemental briefs. Case will be set for oral argument during the April 2015 argument session.

No. 14–15. ARMSTRONG ET AL. *v.* EXCEPTIONAL CHILD CENTER, INC., ET AL. C. A. 9th Cir. [Certiorari granted, 573 U. S. 991.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

JANUARY 12, 2015

Dismissal Under Rule 46

No. 14–526. CAROLINA CASUALTY INSURANCE CO. ET AL. *v.* RAMONA EQUIPMENT RENTAL, INC. C. A. 9th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 755 F. 3d 1063.

Certiorari Dismissed

No. 14–6841. KOON *v.* SOUTH CAROLINA. Sup. Ct. S. C. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–6905. JOHNSON, AKA AMURA *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. JUSTICE BREYER took no part in the consideration or decision of this motion and this petition.

No. 14–6917. LLOVERA *v.* FLORIDA. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 576 Fed. Appx. 894.

No. 14–6985. LEWIS *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*).

No. 14–7202. VIOLA *v.* ZICKEFOOSE, WARDEN. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–7299. HICKMON *v.* HOLDER, ATTORNEY GENERAL. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–7528. ROBINSON *v.* KASTNER, WARDEN. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*). JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition. Reported below: 577 Fed. Appx. 896.

Miscellaneous Orders

No. 14A542. SMITH ET UX. *v.* COUNTRYWIDE HOME LOANS, INC., ET AL. C. A. 11th Cir. Application for stay, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 14A573. AZAM ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA ET AL. C. A. 9th Cir. Application for stay, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 14M67. HAIRSTON *v.* HOLLOWAY, WARDEN;
No. 14M68. MORTON *v.* BANK OF AMERICA, N. A., ET AL.; and
No. 14M70. CLARKE *v.* WARREN, WARDEN. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 14M69. PURDIE *v.* NEBRASKA. Motion for leave to proceed as a veteran denied.

No. 13–1352. OHIO *v.* CLARK. Sup. Ct. Ohio. [Certiorari granted, 573 U. S. 991.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 13–1559. CORR ET AL. *v.* METROPOLITAN WASHINGTON AIRPORTS AUTHORITY. C. A. 4th Cir.; and
No. 14–448. GOOGLE, INC. *v.* VEDERI, LLC. C. A. Fed. Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 14–410. GOOGLE, INC. *v.* ORACLE AMERICA, INC. C. A. Fed. Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 14–5901. GORMAN *v.* JPMORGAN CHASE BANK, N. A., ET AL. C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 972] denied.

No. 14–6087. VAN ALLEN *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 973] denied.

No. 14–6326. BOWELL *v.* SMITH. C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 989] denied.

No. 14–6408. RAMON OCHOA *v.* RUBIN, AKA RUBIN OCHOA. Super. Ct. Pa. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 971] denied.

No. 14–6705. GIBSON *v.* UNITED STATES. C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 989] denied.

No. 14–6892. TATTEN *v.* BANK OF AMERICA CORP. ET AL. C. A. 10th Cir.;

No. 14–6894. TURNER *v.* LOWDEN ET AL. C. A. 4th Cir.;

No. 14–6996. JORY *v.* UNITED STATES. C. A. 11th Cir.;

No. 14–7033. THOMPSON ET AL. *v.* MERCER, SHERIFF, PALO PINTO COUNTY, TEXAS, ET AL. C. A. 5th Cir.;

No. 14–7093. VELASCO SIFUENTES *v.* CALIFORNIA. Ct. App. Cal., 5th App. Dist.;

No. 14–7127. BARNETT *v.* NEW JERSEY TRANSIT CORPORATION ET AL. C. A. 3d Cir.; and

No. 14–7152. MAY *v.* AMGEN, INC. C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until February 2, 2015, 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.

No. 14–7313. IN RE PANETTI;

No. 14–7339. IN RE JONES;

No. 14–7367. IN RE AMIN-BEY;

No. 14–7415. IN RE ESCOBAR;

No. 14–7418. IN RE CARTER-BEY;

No. 14–7454. IN RE SMITH-BEY;

No. 14–7489. IN RE MAURICE EL ET AL.;

No. 14–7561. IN RE BLANKENSHIP; and

No. 14–7673. IN RE MCDONALD. Petitions for writs of habeas corpus denied.

No. 14–7551. IN RE LOPEZ-PENA. Petition for writ of habeas corpus denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–444. IN RE KLAYMAN; and

No. 14–7032. IN RE WARD. Petitions for writs of mandamus denied.

No. 14–7023. IN RE FORD. Petition for writ of prohibition denied.

Certiorari Denied

No. 13–1539. ESCOBAR *v.* ANTONIO GARCIA. C. A. 9th Cir. Certiorari denied. Reported below: 550 Fed. Appx. 506.

No. 13–1546. GRAVES *v.* DEUTSCHE BANK SECURITIES, INC. C. A. 2d Cir. Certiorari denied. Reported below: 548 Fed. Appx. 654.

No. 13–10539. RIDER *v.* CURRY, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 550 Fed. Appx. 379.

No. 13–10640. MCDOWELL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 745 F. 3d 115.

No. 14–102. WEST CHELSEA BUILDINGS LLC ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 554 Fed. Appx. 942.

No. 14–131. HERALD *v.* STEADMAN. Sup. Ct. Ore. Certiorari denied. Reported below: 355 Ore. 104, 322 P. 3d 546.

No. 14–165. HOYLE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 751 F. 3d 1167.

No. 14–171. TROTTER *v.* UTAH. Sup. Ct. Utah. Certiorari denied. Reported below: 2014 UT 17, 330 P. 3d 1267.

No. 14–175. GELLER ET AL. *v.* PATENT AND TRADEMARK OFFICE. C. A. Fed. Cir. Certiorari denied. Reported below: 751 F. 3d 1355.

No. 14–266. COLORADO *v.* SCHAUFELE. Sup. Ct. Colo. Certiorari denied. Reported below: 325 P. 3d 1060.

No. 14–328. PERALTA *v.* DILLARD ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 744 F. 3d 1076.

No. 14–329. NEW YORK *v.* THEODORE. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 114 App. Div. 3d 814, 980 N. Y. S. 2d 148.

No. 14–330. KHACHATOURIAN *v.* SCANLON ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 556.

No. 14–334. CAMPBELL *v.* FOREST PRESERVE DISTRICT OF COOK COUNTY, ILLINOIS. C. A. 7th Cir. Certiorari denied. Reported below: 752 F. 3d 665.

No. 14–350. ASSOCIATION OF AMERICAN PHYSICIANS & SURGEONS, INC., ET AL. *v.* BURWELL, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 746 F. 3d 468.

No. 14–351. SEMINOLE TRIBE OF FLORIDA *v.* FLORIDA DEPARTMENT OF REVENUE ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 750 F. 3d 1238.

No. 14–355. AMES *v.* NATIONWIDE MUTUAL INSURANCE CO. ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 760 F. 3d 763.

No. 14–360. ANNUCCI *v.* VINCENT ET AL. (Reported below: 718 F. 3d 157); and FISCHER ET AL. *v.* BETANCES ET AL. (519 Fed. Appx. 39). C. A. 2d Cir. Certiorari denied.

No. 14–377. STEWART & JASPER ORCHARDS ET AL. *v.* JEWELL, SECRETARY OF THE INTERIOR, ET AL.; and

No. 14–402. STATE WATER CONTRACTORS ET AL. *v.* JEWELL, SECRETARY OF THE INTERIOR, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 747 F. 3d 581.

No. 14–379. NOMURA HOME EQUITY LOAN, INC., ET AL. *v.* NATIONAL CREDIT UNION ADMINISTRATION BOARD, AS LIQUIDATING AGENT OF U. S. CENTRAL FEDERAL CREDIT UNION ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 764 F. 3d 1199.

No. 14–380. VERMONT RIGHT TO LIFE COMMITTEE, INC., ET AL. *v.* SORRELL, ATTORNEY GENERAL OF VERMONT, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 758 F. 3d 118.

No. 14–382. DAVIS *v.* DAVIS ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 991.

No. 14–391. STOP THIS INSANITY, INC., EMPLOYEE LEADERSHIP FUND, ET AL. *v.* FEDERAL ELECTION COMMISSION. C. A. D. C. Cir. Certiorari denied. Reported below: 761 F. 3d 10.

No. 14–399. Brooks *v.* Massachusetts Mutual Life Insurance Co. App. Ct. Mass. Certiorari denied. Reported below: 84 Mass. App. 1127, 1 N. E. 3d 294.

No. 14–403. Liberty Coins, LLC, et al. *v.* Porter, Director, Ohio Department of Commerce, et al. C. A. 6th Cir. Certiorari denied. Reported below: 748 F. 3d 682.

No. 14–404. Kentner et al. *v.* City of Sanibel, Florida. C. A. 11th Cir. Certiorari denied. Reported below: 750 F. 3d 1274.

No. 14–426. Nivia, aka Roussell *v.* Bank United. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 114 So. 3d 391.

No. 14–435. Fox *v.* Fox. Sup. Ct. Vt. Certiorari denied. Reported below: 2014 VT 100, 197 Vt. 466, 106 A. 3d 919.

No. 14–445. Stevens et al. *v.* Deutsche Bank National Trust Co. et al. C. A. 5th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 402.

No. 14–453. Timosan et al. *v.* Bank of New York Mellon Trust Co., N. A., fka Bank of New York Trust Co., N. A. Int. Ct. App. Haw. Certiorari denied. Reported below: 131 Haw. 252, 317 P. 3d 696.

No. 14–454. Yufa *v.* Lockheed Martin Corp. C. A. Fed. Cir. Certiorari denied. Reported below: 575 Fed. Appx. 881.

No. 14–464. Hsu *v.* LaBelle et al. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 14–465. Allergan, Inc., et al. *v.* Apotex Inc. et al. C. A. Fed. Cir. Certiorari denied. Reported below: 754 F. 3d 952.

No. 14–466. American Commercial Lines, LLC *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 753 F. 3d 550.

No. 14–467. Krahn et al. *v.* Rohde et al. Sup. Ct. Wis. Certiorari denied. Reported below: 2014 WI 80, 356 Wis. 2d 492, 850 N. W. 2d 896.

No. 14–469. APPLE, INC. *v.* ANCORA TECHNOLOGIES, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 744 F. 3d 732.

No. 14–475. KIGRE, INC. *v.* TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA. Sup. Ct. S. C. Certiorari denied. Reported below: 408 S. C. 647, 760 S. E. 2d 103.

No. 14–476. SHIELDS *v.* ILLINOIS DEPARTMENT OF CORRECTIONS ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 746 F. 3d 782.

No. 14–477. BARSORIAN *v.* GROSSMAN ROTH, P. A. C. A. 11th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 864.

No. 14–481. NATIONAL HERITAGE FOUNDATION, INC. *v.* HIGHBOURNE FOUNDATION ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 760 F. 3d 344.

No. 14–482. PETERSON, PERSONAL REPRESENTATIVE OF THE ESTATE OF KNIPPLE, DECEASED, ET AL. *v.* ISLAMIC REPUBLIC OF IRAN ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 561 Fed. Appx. 9.

No. 14–483. CARSON *v.* METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY ET AL.; and

No. 14–484. CLARK *v.* METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 964.

No. 14–486. MARTIN *v.* PACIFIC PARKING SYSTEMS, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 803.

No. 14–488. SABENIANO *v.* CITIBANK, N. A. C. A. 2d Cir. Certiorari denied.

No. 14–489. DEEP WOODS HOLDINGS, L. L. C. *v.* SAVINGS DEPOSIT INSURANCE FUND OF THE REPUBLIC OF TURKEY, TASARRUF MEVDUATI SIGORTA FUND. C. A. 2d Cir. Certiorari denied. Reported below: 745 F. 3d 619.

No. 14–494. MILIONE *v.* CITY UNIVERSITY OF NEW YORK ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 567 Fed. Appx. 38.

No. 14–503. CLP VENTURE, LLC, ET AL. *v.* CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 760 F. 3d 745.

No. 14–505. BREWINGTON *v.* INDIANA. Sup. Ct. Ind. Certiorari denied. Reported below: 7 N. E. 3d 946.

No. 14–506. HANFORD-SOUTHPORT, LLC *v.* CITY OF SAN ANTONIO, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 304.

No. 14–509. LIGHT *v.* CARAWAY, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 761 F. 3d 809.

No. 14–511. MCKENZIE *v.* UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, DISTRICT DIRECTOR. C. A. 10th Cir. Certiorari denied. Reported below: 761 F. 3d 1149.

No. 14–514. JURA *v.* COUNTY OF MAUI, HAWAII, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 742.

No. 14–521. AL-SUQI *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 212.

No. 14–527. MOLESKI *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 578 Fed. Appx. 87.

No. 14–529. INFANTI *v.* SCHARPF ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 570 Fed. Appx. 85.

No. 14–532. WIDEMAN *v.* PUEBLO COUNTY DEPARTMENT OF SOCIAL SERVICES, COLORADO, CHILD SUPPORT ENFORCEMENT. Ct. App. Colo. Certiorari denied.

No. 14–535. GUPTA *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 2d Cir. Certiorari denied. Reported below: 569 Fed. Appx. 45.

No. 14–542. BARNES ET AL. *v.* JACKSON. C. A. 9th Cir. Certiorari denied. Reported below: 749 F. 3d 755.

No. 14–543. UNITED NATIONAL MAINTENANCE, INC. *v.* SAN DIEGO CONVENTION CENTER, INC. C. A. 9th Cir. Certiorari denied. Reported below: 766 F. 3d 1002.

No. 14–547. DIGERONIMO AGGREGATES, LLC *v.* ZEMLA ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 763 F. 3d 506.

No. 14–553. MISKOVSKY *v.* JONES ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 673.

No. 14–558. SHIPMAN *v.* UNITED PARCEL SERVICE, INC. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 185.

No. 14–565. MASILOTTI *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 837.

No. 14–568. BUCKMAN ET AL. *v.* JPMORGAN CHASE BANK, N. A. Sup. Ct. Fla. Certiorari denied. Reported below: 157 So. 3d 1041.

No. 14–570. ROSBOTTOM *v.* UNITED STATES; and
No. 14–7170. KISLA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 763 F. 3d 408.

No. 14–572. CHAHLA ET AL. *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 752 F. 3d 939.

No. 14–579. SCHEER *v.* STATE BAR OF CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–582. PROUSALIS *v.* MOORE. C. A. 4th Cir. Certiorari denied. Reported below: 751 F. 3d 272.

No. 14–583. JOHNSON *v.* DEPARTMENT OF THE ARMY ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–589. BUCKLAND *v.* CONNECTICUT. Sup. Ct. Conn. Certiorari denied. Reported below: 313 Conn. 205, 96 A. 3d 1163.

No. 14–591. NATHAN *v.* OHIO STATE UNIVERSITY ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 544.

No. 14–594. BAKRI *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE. C. A. 6th Cir. Certiorari denied.

No. 14–595. PETERSON *v.* DOUMA. C. A. 7th Cir. Certiorari denied. Reported below: 751 F. 3d 524.

No. 14–599. KOT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 716.

No. 14–601. RIDINGS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 569 Fed. Appx. 73.

No. 14–604. E. M., a Minor, By and Through His Parents, E. M. et al. *v.* Pajaro Valley Unified School District Office of Administrative Hearings. C. A. 9th Cir. Certiorari denied. Reported below: 758 F. 3d 1162.

No. 14–617. Ervin *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 649.

No. 14–620. Harris *v.* Caldwell, Warden. C. A. 11th Cir. Certiorari denied.

No. 14–621. Daniel *v.* United States. C. A. Armed Forces. Certiorari denied. Reported below: 73 M. J. 473.

No. 14–633. Rivera et al. *v.* Michigan. Cir. Ct. Wayne County, Mich. Certiorari denied.

No. 14–643. Alpha Networks, Inc. *v.* Dinan. C. A. 1st Cir. Certiorari denied. Reported below: 764 F. 3d 64.

No. 14–651. Bender *v.* Commission for Lawyer Discipline of the State Bar of Texas. Sup. Ct. Tex. Certiorari denied.

No. 14–659. Luna *v.* Larkin et al. C. A. 11th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 739.

No. 14–661. Mateo *v.* Bratton, Police Commissioner of the City of New York, et al. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 115 App. Div. 3d 502, 981 N. Y. S. 2d 719.

No. 14–663. Newdow et al. *v.* Peterson, Deputy Director, United States Mint, et al. C. A. 2d Cir. Certiorari denied. Reported below: 753 F. 3d 105.

No. 14–664. McCauley *v.* Jones, Secretary, Florida Department of Corrections, et al. C. A. 11th Cir. Certiorari denied.

No. 14–674. Golb *v.* New York. Ct. App. N. Y. Certiorari denied. Reported below: 23 N. Y. 3d 455, 15 N. E. 3d 805.

No. 14–676. Palmer et al. *v.* Doe et al. C. A. 2d Cir. Certiorari denied. Reported below: 568 Fed. Appx. 68.

No. 14–678. Sarras *v.* United States. C. A. 11th Cir. Certiorari denied.

No. 14–699. FISCH *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–700. MITCHELL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 44.

No. 14–5142. ASHMORE *v.* ASHMORE. Ct. App. N. Y. Certiorari denied. Reported below: 22 N. Y. 3d 946, 999 N. E. 2d 538.

No. 14–5143. HILL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–5280. STEVENSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 258.

No. 14–5295. TORKORNOO *v.* TORKORNOO. Ct. Sp. App. Md. Certiorari denied. Reported below: 216 Md. App. 758.

No. 14–5319. SPENCE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 240.

No. 14–5349. RYAN *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 287 Neb. 938, 845 N. W. 2d 287.

No. 14–5403. WHITBY *v.* OFFICE OF PERSONNEL MANAGEMENT. C. A. Fed. Cir. Certiorari denied. Reported below: 559 Fed. Appx. 1037.

No. 14–5416. HARRIS *v.* TEXAS. Ct. App. Tex., 6th Dist. Certiorari denied.

No. 14–5419. MCVEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 752 F. 3d 606.

No. 14–5646. HUGHES *v.* EPPS, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 350.

No. 14–6010. CLAY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 752 F. 3d 1106.

No. 14–6108. HARRIS *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 14–6150. DUFF *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 58 Cal. 4th 527, 317 P. 3d 1148.

No. 14–6204. LIPSCOMBE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 198.

No. 14–6257. YAN SUI *v.* MARSHACK, CHAPTER 7 TRUSTEE, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 739.

No. 14–6267. SUFF *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 58 Cal. 4th 1013, 324 P. 3d 1.

No. 14–6273. ZAMASTIL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 550 Fed. Appx. 446.

No. 14–6352. PATINO *v.* RHODE ISLAND. Sup. Ct. R. I. Certiorari denied. Reported below: 93 A. 3d 40.

No. 14–6372. MANUEL MONTES *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 58 Cal. 4th 809, 320 P. 3d 729.

No. 14–6425. HAM *v.* MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 187.

No. 14–6459. NJOS *v.* BOURN ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 585.

No. 14–6462. SMITH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 756 F. 3d 1070.

No. 14–6491. YAN SUI *v.* GOODRICH. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 720.

No. 14–6502. RAMIREZ-FLORES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 743 F. 3d 816.

No. 14–6508. MOSES *v.* PIER 1 IMPORTS, INC., ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–6514. BROWN *v.* RIVARD, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6565. PIATNITSKY *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 180 Wash. 2d 407, 325 P. 3d 167.

No. 14–6571. MARRERO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 743 F. 3d 389.

No. 14–6574. McNabb *v.* Thomas, Commissioner, Alabama Department of Corrections. C. A. 11th Cir. Certiorari denied. Reported below: 727 F. 3d 1334.

No. 14–6576. Natalie D., a Minor, et al. *v.* Kouwabunpat. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 14–6618. Espino Garcia *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 714.

No. 14–6670. Foley *v.* White, Warden. C. A. 6th Cir. Certiorari denied.

No. 14–6679. Mays *v.* Stephens, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied. Reported below: 757 F. 3d 211.

No. 14–6696. Hale *v.* Stephens, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied.

No. 14–6710. Justice *v.* Davis, Warden. Sup. Ct. Va. Certiorari denied.

No. 14–6728. Reed *v.* Woods, Warden. C. A. 6th Cir. Certiorari denied.

No. 14–6734. Bechtol *v.* McKee, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 441.

No. 14–6739. Kennemur *v.* Stephens, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied.

No. 14–6743. Sanchez *v.* Sherman, Acting Warden. C. A. 9th Cir. Certiorari denied.

No. 14–6745. Broughton *v.* Jones, Secretary, Florida Department of Corrections, et al. C. A. 11th Cir. Certiorari denied. Reported below: 531 Fed. Appx. 997.

No. 14–6746. Bailey *v.* Sherman, Acting Warden. C. A. 9th Cir. Certiorari denied.

No. 14–6750. Rolfe *v.* South Dakota. Sup. Ct. S. D. Certiorari denied. Reported below: 2014 S.D. 47, 851 N. W. 2d 897.

No. 14–6751. EVANS *v.* ZATECKY, SUPERINTENDENT, PENDLETON CORRECTIONAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 14–6752. MCDONALD *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–6753. MENDEZ *v.* HARTLEY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6754. CAESAR *v.* PADULA, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 731.

No. 14–6759. WALLACE *v.* JEANES, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 14–6764. ACREE *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 14–6765. BRANSON *v.* GAY, WARDEN, ET AL. Ct. App. Ariz. Certiorari denied.

No. 14–6767. LEATHERWOOD *v.* WELKER ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 757 F. 3d 1115.

No. 14–6769. SHORT *v.* WINN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6773. CARSWELL *v.* JEANES, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 14–6776. STATEN *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–6778. BUTLER *v.* MACOMBER, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6782. TARVIN *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 14–6785. WAREFIELD *v.* WAREFIELD. C. A. 3d Cir. Certiorari denied. Reported below: 571 Fed. Appx. 146.

No. 14–6787. HON KEUNG TSE *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 666.

No. 14–6796. STEINER *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 14–6799. WHITE *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–6806. ATA *v.* HAAS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6807. DIXON *v.* HART, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 14–6808. MAMMOLA *v.* FEENEY, JUDGE, UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MASSACHUSETTS, ET AL. C. A. 1st Cir. Certiorari denied.

No. 14–6813. MCKINNEY *v.* MARTINEZ ET AL. Sup. Ct. Nev. Certiorari denied. Reported below: 130 Nev. 1216.

No. 14–6814. RAMSEY *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6825. LOBOS *v.* SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY. C. A. 9th Cir. Certiorari denied.

No. 14–6827. DORTCH *v.* JOHNSON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6829. LEWIS *v.* FEDERAL NATIONAL MORTGAGE ASSOCIATION ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–6830. SMITH *v.* WRIGHT, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 155.

No. 14–6832. MAMMONE *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 139 Ohio St. 3d 467, 2014-Ohio-1942, 13 N. E. 3d 1051.

No. 14–6833. SYKES *v.* WARREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6834. O'KEEFE *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 130 Nev. 1224.

No. 14–6837. TALLEY *v.* GONGOCKY ET AL. C. A. 7th Cir. Certiorari denied.

No. 14–6838. SANDOVAL *v.* MACLAREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6842. JOHNSON *v.* GOWER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6850. MILLER *v.* WOFFORD, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6852. CONNOLLY *v.* RODEN, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK. C. A. 1st Cir. Certiorari denied. Reported below: 752 F. 3d 505.

No. 14–6854. MIGUEL ROCHA *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 14–6856. PEREGRINA *v.* KNIPP, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6857. CUSTIS *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 224.

No. 14–6859. BARET *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 23 N. Y. 3d 777, 16 N. E. 3d 1216.

No. 14–6862. BOSS *v.* LUDWICK, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 760 F. 3d 805.

No. 14–6863. COOKE *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 97 A. 3d 513.

No. 14–6865. SIMMONS *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–6866. VICE *v.* WEBER, WARDEN, ET AL. C. A. 8th Cir. Certiorari denied.

No. 14–6867. SOTO *v.* MINNESOTA SECOND JUDICIAL DISTRICT, SPECIAL COURTS DIVISION, DOMESTIC ABUSE/HARASSMENT OFFICE, ET AL. C. A. 8th Cir. Certiorari denied.

No. 14–6870. AU *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–6871. BRITE *v.* TEXAS. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 14–6874. PETTAWAY *v.* DEPARTMENT OF EDUCATION. C. A. 4th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 20.

No. 14–6877. TOWNSEND *v.* CITY OF CLEVELAND, OHIO. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2013-Ohio-5421.

No. 14–6880. ROBLES QUINTANILLA *v.* BARNES, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6883. JOHNSON *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6897. HENSLEY *v.* RODEN, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK. C. A. 1st Cir. Certiorari denied. Reported below: 755 F. 3d 724.

No. 14–6900. LOPEZ *v.* MACDONALD, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6902. LISSA L. *v.* ROBERT L. Sup. Ct. App. W. Va. Certiorari denied.

No. 14–6903. RASHID *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 14–6908. MANUEL NAVARRETTE *v.* TEXAS. Ct. App. Tex., 11th Dist. Certiorari denied.

No. 14–6910. MCKELLER *v.* BOWERSOX. C. A. 8th Cir. Certiorari denied.

No. 14–6913. ROEHRS *v.* SUPREME COURT OF CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 14–6914. ROBINSON *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 14–6918. STOLLER *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2013 IL App (2d) 120442–U.

No. 14–6922. CONN *v.* JPMORGAN CHASE BANK, N. A., ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 14–6924. SCARLETT *v.* RIKERS ISLAND. C. A. 2d Cir. Certiorari denied.

No. 14–6925. RIVENBURGH *v.* MILLER, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 14–6929. MALONE *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–6931. KAMACK *v.* MONTGOMERY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6933. MU'MIN, FKA MARRON *v.* SIMMONS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 202.

No. 14–6934. RODRIGUEZ *v.* TEXAS. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 14–6935. PHILLIPS ET AL. *v.* DAVIS. Sup. Ct. App. W. Va. Certiorari denied.

No. 14–6937. PHILLIPS *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 14–6944. OJILE *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 988 N. E. 2d 299.

No. 14–6945. GUERRERO *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–6946. HARVEY *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–6947. HOWARD *v.* CHATCAVAGE ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 570 Fed. Appx. 117.

No. 14–6948. HUNTER *v.* PARSONS, ADMINISTRATOR, LANESBORO CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 197.

No. 14–6950. A. G. *v.* MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES. Sup. Ct. Mont. Certiorari denied.

No. 14–6952. FRYE *v.* RAEMISCH, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 546 Fed. Appx. 777.

No. 14–6953. HASHER *v.* NEW JERSEY. C. A. 3d Cir. Certiorari denied.

No. 14–6954. RIOS *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–6958. GRAY *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2011 IL App (1st) 091689, 962 N. E. 2d 1025.

No. 14–6961. BROCKMAN *v.* RIVARD, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6964. WARREN *v.* MILLER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6966. MADDAUS *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 176 Wash. App. 1031.

No. 14–6967. SHUKRY *v.* PARAMO, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 525.

No. 14–6970. KING *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–6972. WOODALL *v.* MAHALLY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–6974. SIMMONS *v.* MINTER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–6983. WASHINGTON *v.* CIRCUIT COURT OF MICHIGAN, LENAWEE COUNTY. Ct. App. Mich. Certiorari denied.

No. 14–6987. MILLER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–6988. MCGHEE *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI ET AL. C. A. 5th Cir. Certiorari denied.

No. 14–6993. COATS *v.* INDIANA. Sup. Ct. Ind. Certiorari denied. Reported below: 3 N. E. 3d 528.

No. 14–6995. MANDEVILLE *v.* FISHER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD. C. A. 3d Cir. Certiorari denied. Reported below: 578 Fed. Appx. 149.

No. 14–7003. RADFORD *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7006. LUIS MORALES *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–7010. ABUBAKAR *v.* HOLDER, ATTORNEY GENERAL. C. A. 8th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 535.

No. 14–7012. LOI NGOC NGHIEM *v.* KERESTES, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MAHANOY, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–7013. SHONG-CHING TONG *v.* SUPERIOR COURT OF CALIFORNIA, SACRAMENTO COUNTY, ET AL. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 14–7016. GENIS *v.* POWERS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–7017. BRUNSILIUS *v.* HICKENLOOPER, GOVERNOR OF COLORADO, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 572.

No. 14–7018. TAYLOR *v.* JPMORGAN CHASE BANK, N. A., ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–7019. WRIGHT *v.* CALIFORNIA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied.

No. 14–7020. GRAZZINI-RUCKI *v.* RUCKI. Ct. App. Minn. Certiorari denied.

No. 14–7021. SCOTT *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 130 Nev. 1241.

No. 14–7024. SALERNO ET AL. *v.* CORZINE, INDIVIDUALLY AND IN HIS FORMER CAPACITY AS GOVERNOR OF NEW JERSEY, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 577 Fed. Appx. 123.

No. 14–7027. PENA *v.* PRELESNIK, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7028. PAZ *v.* PENNSYLVANIA ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–7030. DAUVEN *v.* GEORGE FOX UNIVERSITY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 896.

No. 14–7034. DUKE *v.* FFRENCH-MULLEN ET AL. Ct. Sp. App. Md. Certiorari denied. Reported below: 214 Md. App. 753 and 754.

No. 14–7035. SON VAN NGUYEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–7037. LAMPKIN *v.* STAFFMARK ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 295.

No. 14–7039. RISHAR *v.* UNITED STATES ET AL. C. A. 2d Cir. Certiorari denied.

No. 14–7040. SANTIAGO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 30.

No. 14–7041. REID *v.* SOUTH CAROLINA. Sup. Ct. S. C. Certiorari denied. Reported below: 408 S. C. 461, 758 S. E. 2d 904.

No. 14–7043. STEWART *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–7044. KUKUK *v.* HSBC BANK USA, N. A., ET AL. Ct. App. Mich. Certiorari denied.

No. 14–7045. RIDDLE *v.* CITIGROUP, INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 5.

No. 14–7046. LIBBY *v.* BARNES, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 560.

No. 14–7048. ESPARZA *v.* MONTGOMERY, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 628.

No. 14–7049. BAILEY *v.* FLEMING, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 208.

No. 14–7052. JIN RIE *v.* CITY OF LOS ANGELES, CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 14–7053. MATTHEWS *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 217 Md. App. 750.

No. 14–7054. JACKSON *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 612.

No. 14–7055. ROBERSON *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 14–7058. COAR *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 14–7060. JOYNER *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–7062. LEE *v.* MAYE, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 721.

No. 14–7063. LEWIS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 763 F. 3d 443.

No. 14–7064. MAYES *v.* PREMO, SUPERINTENDENT, MILL CREEK CORRECTIONAL FACILITY. C. A. 9th Cir. Certiorari denied. Reported below: 766 F. 3d 949.

No. 14–7071. MAGANA-TORRES *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 673.

No. 14–7074. RODRIGUEZ-FRIAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 536.

No. 14–7076. MACKETY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–7078. SIMMONS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–7079. KNAPP *v.* INDIANA. Sup. Ct. Ind. Certiorari denied. Reported below: 9 N. E. 3d 1274.

No. 14–7081. CLAASSEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–7082. MARSHALL *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. Reported below: 367 N. C. 829, 763 S. E. 2d 399.

No. 14–7083. KENNERSON *v.* LIZARRAGA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7084. KOPPELMAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–7085. STREAM *v.* HUMPHREYS, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–7086. SARDARIANI *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 533.

No. 14–7089. TUBBS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7090. AWER *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 770 F. 3d 83.

No. 14–7091. PLUNK *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied. Reported below: 766 F. 3d 760.

No. 14–7092. ROBERTS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 763 F. 3d 947.

No. 14–7094. JOSEPH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 784.

No. 14–7096. LOPEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 680.

No. 14–7097. SIEGLER *v.* OHIO STATE UNIVERSITY ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–7098. CURSHEN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 815.

No. 14–7100. LUNEY *v.* EDENFIELD, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7101. KNIGHT *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 97 A. 3d 594.

No. 14–7104. HERNANDEZ-ARIAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 757 F. 3d 874.

No. 14–7105. FERNANDO-AZUA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–7109. KHAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 603.

No. 14–7111. LASTER *v.* SHEAHAN, SUPERINTENDENT, FIVE POINTS CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 14–7112. MARR *v.* FLORIDA BAR. Sup. Ct. Fla. Certiorari denied. Reported below: 143 So. 3d 920.

No. 14–7115. WILLIAMS *v.* MARYLAND. Cir. Ct. Charles County, Md. Certiorari denied.

No. 14–7118. BURKE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 338.

No. 14–7122. GRIFFIN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–7123. CHAPPELL *v.* EVANS, JUDGE, COURT OF COMMON PLEAS, MAHONING COUNTY, OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 139 Ohio St. 3d 1481, 2014-Ohio-3195, 12 N. E. 3d 1228.

No. 14–7124. HACKLEY *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 147 So. 3d 984.

No. 14–7125. DAVIS *v.* OPPY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7129. ANDREWS *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 130 So. 3d 788.

No. 14–7130. ABPIKAR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 780.

No. 14–7137. COLES *v.* SMITH, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 502.

No. 14–7138. GIBBS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 396.

No. 14–7139. YOUNG *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 753 F. 3d 757.

No. 14–7140. THOMPSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 812.

No. 14–7141. WARD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 204.

No. 14–7142. STYLES *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 587 Fed. Appx. 26.

No. 14–7143. SOLOMON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7145. RUBIO *v.* GRAY ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–7146. LEWIS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 763 F. 3d 443.

No. 14–7147. SIMMONS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 543 Fed. Appx. 101.

No. 14–7149. NEAL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 434.

No. 14–7151. MARTINELLY-MONTANO *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–7155. RODRIGUEZ-GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 409.

No. 14–7160. STRZELCZYK *v.* PENNSYLVANIA ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–7161. VERDUGO *v.* MILLER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7162. VELASQUEZ-RIVERA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 238.

No. 14–7163. ZAMBRANO *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 754 F. 3d 460.

No. 14–7165. VILLALOBOS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 560 Fed. Appx. 122.

No. 14–7168. CANETE *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 847.

No. 14–7169. SHARMA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–7172. POLLOCK *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 757 F. 3d 582.

No. 14–7173. DAVIS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 750 F. 3d 1186.

No. 14–7175. WALSH *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 14–7177. ALQUICIRA *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 14–7179. MORALES-AYALA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–7180. ISAACSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 752 F. 3d 1291.

No. 14–7181. QUEZADA *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. Sup. Ct. Ark. Certiorari denied. Reported below: 2014 Ark. 396, 441 S. W. 3d 910.

No. 14–7184. MILLER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–7186. EL-ALAMIN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–7190. GARCIA *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 754 F. 3d 460.

No. 14–7194. KILLE *v.* BISBEE ET AL. Sup. Ct. Nev. Certiorari denied. Reported below: 130 Nev. 1205.

No. 14–7195. JESUS-NUNEZ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 576 Fed. Appx. 103.

No. 14–7196. LONG *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 757 F. 3d 762.

No. 14–7197. WEBSTER *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 14–7199. BLACK *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 263.

No. 14–7200. BARKUS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 601.

No. 14–7201. WRIGHT *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 14–7208. MARTIN *v.* ALABAMA ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7209. CARNEY *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 570 Fed. Appx. 91.

No. 14–7213. MARTINEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–7215. NAKAGAWA *v.* COLORADO. Sup. Ct. Colo. Certiorari denied.

No. 14–7217. BONILLA-RIVERA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 413.

No. 14–7218. BRADBERRY *v.* TATUM, WARDEN. Super. Ct. Chattooga County, Ga. Certiorari denied.

No. 14–7220. BELLO ET AL. *v.* DEUTSCHE BANK NATIONAL TRUST CO. Sup. Ct. Fla. Certiorari denied. Reported below: 148 So. 3d 769.

No. 14–7221. MALAGON-SOTO *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 764 F. 3d 925.

No. 14–7223. BEAUCHAMP *v.* PEREZ, SUPERINTENDENT, DOWNSTATE CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 14–7224. JOSEPH *v.* TEXAS. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 14–7225. KLINEFELTER *v.* ALFARO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7231. ORTIZ-ROJAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 494.

No. 14–7232. PEREZ-ALEMAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 349.

No. 14–7235. MAURICIO GUERRERO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 314.

No. 14–7236. BURNETT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 956.

No. 14–7237. DAVIS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 582.

No. 14–7238. SHELL *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–7239. CARTER *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 7th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 523.

No. 14–7245. DAVIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 760 F. 3d 901.

No. 14–7247. CHAVEZ *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 754 F. 3d 460.

No. 14–7248. COLEMAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 158.

No. 14–7250. MCGRUE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 503.

No. 14–7251. PEDRAZA-MENDOZA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 851.

No. 14–7254. REESE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 287.

No. 14–7256. SANTISTEVAN *v.* YORDY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7259. SANTOS-ESTEVEZ *v.* UNITED STATES (Reported below: 580 Fed. Appx. 271); MENDOZA-CORTEZ *v.* UNITED STATES (579 Fed. Appx. 300); RIOS-RIOS *v.* UNITED STATES (580 Fed. Appx. 264); MUNIZ-FIGUEROA *v.* UNITED STATES (579 Fed. Appx. 303); NUNEZ-CHAVEZ *v.* UNITED STATES (579 Fed. Appx. 312); and BALDERAS-GONZALEZ *v.* UNITED STATES (580 Fed. Appx. 261). C. A. 5th Cir. Certiorari denied.

No. 14–7260. SANGALANG ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 597.

No. 14–7262. VIOLA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 559.

No. 14–7263. TUCKER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 770 F. 3d 407.

No. 14–7265. VELASQUEZ-CONTRERAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 290.

No. 14–7266. SANCHEZ *v.* MUNIZ, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7267. GARCIA-COBIAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 567.

No. 14–7269. FLORES *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 569 Fed. Appx. 33.

No. 14–7273. MUSKIN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–7275. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 852.

No. 14–7276. WILSON ET AL. *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 180.

No. 14–7284. WILSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 894.

No. 14–7286. PRINGLER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 765 F. 3d 445.

No. 14–7287. MCDONALD *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 14–7288. POSA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 894.

No. 14–7289. PERRY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 757 F. 3d 166.

No. 14–7291. GARZA *v.* UNITED STATES (Reported below: 581 Fed. Appx. 349); ROCHA *v.* UNITED STATES (580 Fed. Appx. 252); PEREZ-VILLARREAL *v.* UNITED STATES (579 Fed. Appx. 316); and KNIGHT-CASTILLO *v.* UNITED STATES (583 Fed. Appx. 457). C. A. 5th Cir. Certiorari denied.

No. 14–7297. FARLEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7298. HARRIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 281.

No. 14–7301. FAUSNAUGHT *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 14–7303. MARTINEZ *v.* O'LEARY ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 569 Fed. Appx. 59.

No. 14–7306. GONZALEZ-BALDERAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–7310. HENDRIX *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 661.

No. 14–7311. BOWLING *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 218.

No. 14–7312. PANETTI *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 14–7317. WASHINGTON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 588.

No. 14–7318. REYES-GONZALES *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 858.

No. 14–7319. SWEET *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–7321. BONEY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 769 F. 3d 153.

No. 14–7323. ORTIZ *v.* ALMAGER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7324. COPPOCK *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 765 F. 3d 921.

No. 14–7325. DORSEY *v.* WEST VIRGINIA. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 234 W. Va. 15, 762 S. E. 2d 584.

No. 14–7326. CHAMBERS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 587 Fed. Appx. 22.

No. 14–7329. KING *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 701.

No. 14–7330. MARANDA *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 761 F. 3d 689.

No. 14–7331. SIDA *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 14–7332. PAYAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 864.

No. 14–7334. MOCK *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 753 F. 3d 757.

No. 14–7335. MCINTOSH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 855.

No. 14–7341. LATHAM *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 312.

No. 14–7342. MANNING *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 216 Md. App. 750.

No. 14–7343. STROUD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 159.

No. 14–7345. VAN COOLEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–7350. FOLK *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 754 F. 3d 905.

No. 14–7351. HORTON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 380.

No. 14–7352. HOLMAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 231.

No. 14–7354. ANDERSON *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 133 So. 3d 646.

No. 14–7357. BULLIN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 176.

No. 14–7372. SENGMANY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 590 Fed. Appx. 494.

No. 14–7375. SCOGGINS *v.* MITCHELL, SUPERINTENDENT, OLD COLONY CORRECTIONAL CENTER. C. A. 1st Cir. Certiorari denied. Reported below: 765 F. 3d 53.

No. 14–7377. COONEY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 505.

No. 14–7380. COLON MALDONADO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 82.

No. 14–7385. WRIGHT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7387. ROBLES-GARCIA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–7400. O'NEIL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7405. MCLEAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 228.

No. 14–7407. BYRD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 115.

No. 14–7408. WHITE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 765 F. 3d 1240.

No. 14–7411. NAGY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 760 F. 3d 485.

No. 14–7417. DAVIS *v.* JORDAN. C. A. 3d Cir. Certiorari denied. Reported below: 573 Fed. Appx. 135.

No. 14–7420. RAMOS DUARTE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 254.

No. 14–7423. DAVIS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–7425. BERTULUCCI CASTILLO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 774.

No. 14–7429. MACK *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 14–7433. ELIZONDO-HERNANDEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 755 F. 3d 779.

No. 14–7435. BYRD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 144.

No. 14–7437. STEVENSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 749 F. 3d 667.

No. 14–7438. PETREE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 448.

No. 14–7441. VANCE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 105.

No. 14–7444. CARLOS VAZQUEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 348.

No. 14–7446. KINSETH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 599 Fed. Appx. 603.

No. 14–7447. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 920.

No. 14–7450. BROWN *v.* BERKEBILE, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 605.

No. 14–7451. BYRNE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7452. ASHE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 155.

No. 14–7456. THOMAS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 760 F. 3d 879.

No. 14–7458. TOWNSEND *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 100 A. 3d 170.

No. 14–7469. MUJICA ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 766 F. 3d 970.

No. 14–7475. RAI *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 591.

No. 14–7477. CONTRERAS-FLORES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–7480. CARDWELL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–7481. CEASAR *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 907.

No. 14–7485. KASP *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 510.

No. 14–7492. KNIGHT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7493. DAWKINS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 124.

No. 14–7495. HOWARD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 766 F. 3d 414.

No. 14–7503. WASHINGTON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7510. COOPER *v.* UNITED STATES; and
No. 14–7515. MCDOWELL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 767 F. 3d 721.

No. 14–7511. DIAZ-CASTRO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 752 F. 3d 101.

No. 14–7512. CRUZ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 757 F. 3d 372.

No. 14–7517. GOMEZ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 575 Fed. Appx. 84.

No. 14–7518. GOODSON-HUDSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 151.

No. 14–7519. FACON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 925.

No. 14–7529. ANDERSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 762 F. 3d 787.

No. 14–7537. LIMON-PACIAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 305.

No. 14–7539. SWEHLA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–7540. STADFELD *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–7541. SEBOLT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 200.

No. 14–7542. ZUNIGA *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 767 F. 3d 712.

No. 14–7544. OLD CHIEF *v.* FEATHER. C. A. 9th Cir. Certiorari denied.

No. 14–7547. CHAMBERS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 554 Fed. Appx. 539.

No. 14–7549. SMITH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–7557. MILBY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 541.

No. 14–7560. BENTLEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 760.

No. 14–7562. BOWLING *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 202.

No. 14–7583. KIRBY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–7586. SIGILLITO *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 759 F. 3d 913.

No. 13–1516. KALAMAZOO COUNTY ROAD COMMISSION ET AL. *v.* DELEON ET UX. C. A. 6th Cir. Certiorari denied. Reported below: 739 F. 3d 914.

JUSTICE ALITO, dissenting.

Certiorari is appropriate when "a United States court of appeals . . . has so far departed from the accepted and usual course of judicial proceedings . . . as to call for an exercise of this Court's supervisory power." This Court's Rule 10(a). The decision of the Sixth Circuit in this case—holding that respondent suffered an adverse employment action when his employer transferred him to a position for which he had applied—qualifies for review under that standard. Indeed, the holding of the court below is so clearly wrong that summary reversal is warranted. The strangeness of the Court of Appeals' holding may lead this Court to believe that the holding is unlikely to figure in future cases, but the decision, if left undisturbed, will stand as a binding precedent within the Sixth Circuit. I would grant review and correct the Sixth Circuit's obvious error.

An old maxim warns: Be careful what you wish for; you might receive it. In the Sixth Circuit, however, employees need not be

careful what they ask for because, if their request is granted and they encounter buyer's regret, they can sue.

After working at the Kalamazoo County Road Commission (Commission) for 25 years, respondent Robert Deleon applied for a position as an equipment and facilities superintendent. The job posting specified that the position required work "primarily in office conditions and in a garage where there is exposure to loud noises and diesel fumes." Record 465. Respondent discussed the position with his supervisors and decided to interview for the job. When the Commission selected another candidate, respondent evinced displeasure and questioned a supervisor about the reasons why he was not selected.

A few weeks later, the candidate who was initially selected told supervisors that he was no longer interested in the job, and the supervisors then transferred respondent to the position.

Respondent worked in the new position from August 2009 until May 2010, when he had a conflict with his supervisor. Shortly thereafter, he took a medical leave and never returned to work.

Respondent filed this lawsuit and alleged, as relevant here, that the Commission had discriminated against him on account of his race, national origin, and age, in violation of the Equal Protection Clause, Title VII of the Civil Rights Act of 1964, and the Age Discrimination in Employment Act of 1967.[1] The District Court, however, granted the Commission's motion for summary judgment because respondent could not show that he had suffered an adverse employment action. Respondent's transfer was a lateral move that resulted in no diminution of salary, benefits, prestige, or responsibility, and he had applied for the position with full knowledge of what it entailed, including exposure to diesel fumes. Furthermore, the District Court explained that "[t]he record contains no evidence that [respondent] ever declined, or attempted to decline, the transfer . . . [or] ever protested or complained about [it]." No. 1:11–cv–539 (WD Mich., Sept. 18, 2012), pp. 15–16. The Sixth Circuit reversed, holding that a "plaintiff's initial request" for a transfer does not "preclud[e] him from a finding that he suffered a materially adverse employment action" when he later receives that transfer. 739 F. 3d 914, 921 (2014).

Judge Sutton dissented. The dissent noted that respondent applied for the transfer with full knowledge of what it involved,

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[1] His wife, Mae Deleon, sued for lack of consortium and is also a respondent here.

including the presence of diesel fumes in the workplace, *ibid.*, and that respondent persisted in seeking the job after he initially did not receive it, *id.*, at 922. The dissent rejected the majority's suggestion that the transfer was "'involuntary'" because respondent admitted that no one told him that he had to take the transfer and neither did he tell anyone that he did not want it. *Ibid.* Because respondent gave the Commission "no reason to believe that he did not want the transfer and every reason to believe that he did," the dissent concluded that the Commission did not subject respondent to an adverse employment action. *Ibid.*

The dissent's commonsense conclusion was correct. Under all of the antidiscrimination provisions upon which respondent relies, he was required to show that he suffered an adverse employment action. That concept means, at a minimum, "an injury or harm" that "a reasonable employee would have found . . . materially adverse," see *Burlington N. & S. F. R. Co.* v. *White*, 548 U. S. 53, 67–68 (2006), and respondent did not meet that standard here.[2]

Respondent gave every indication that he wanted the position to which he was transferred. He applied for it. He spoke to his supervisors about it, and even when they told him that some of his preferences would not be met—he would not receive an assistant, and he would continue to be part of the on-call duty rotation—he continued to pursue his application. He interviewed for the position. And then, when he initially did not receive the transfer he sought, he followed up with his supervisors to ask why they had not chosen him. It is of course conceivable that respondent had changed his mind and no longer wanted the job, but if by the time of his transfer that was so, he gave no objective indication of that fact. Respondent's supervisors did not violate federal law by granting him the transfer that he sought and that they had no reason to believe he did not want.

Despite the fact that respondent willingly applied for, and never objected to, the transfer, the Sixth Circuit held that receiving it was an adverse employment action. The court gave three reasons for this surprising conclusion.

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[2] *Burlington* concerned the standard under Title VII's antiretaliation provision, 42 U. S. C. § 2000e–3, and that standard is broader than the ordinary discrimination standard, 548 U. S., at 64–65. But since respondent cannot satisfy the antiretaliation standard, it follows *a fortiori* that he cannot satisfy the discrimination standard as well.

The court first relied on the fact that respondent "applied for the position with the intention of commanding a substantial raise and under the impression that employment benefits would inure to the benefit of his career." 739 F. 3d, at 920; see also *id.*, at 916. But if respondent was unwilling to accept the position without a raise, no one knew it. In fact, when asked why he did not withdraw his application when he learned that he would not receive a higher salary, respondent replied that he "figured [he] could make some changes over there." Record 521. In other words, respondent voluntarily applied for the job knowing full well what it did—and did not—involve.

Second, the court stressed that respondent "was exposed to toxic and hazardous diesel fumes on a daily basis," and the court deemed this to be a "sufficient indication that the work environment was objectively intolerable" and therefore "materially adverse to a reasonable person." 739 F. 3d, at 919–920. But again, respondent applied for the position even though he knew that the job required working "'in [a] garage where there is exposure to loud noises and diesel fumes.'" *Id.*, at 916. By applying for the position, respondent gave every indication that he was willing to work in those conditions, and respondent's supervisors should not be faulted for taking him at his word. It is important to keep in mind that respondent does not claim that he suffered an adverse employment action based on the denial of a request to be transferred back out of the garage, and there is no evidence that he made such a request. And although the Sixth Circuit characterized the fumes in the garage as "toxic," respondent is not asserting a claim under a provision governing workplace safety.

Third, the court below said that respondent's transfer was "involuntary" because once he was transferred he had to take the position. *Id.*, at 916, n. 1. That fact does not make the transfer adverse. Respondent applied for the job, and he maintained his interest months into the hiring process, when another candidate received the initial offer. It is telling that respondent "never withdrew his request" to be transferred "and did not complain at the time he received the transfer." *Id.*, at 920.

The decision of the court below is unprecedented and clearly contrary to the statutes on which respondent's claims are based. I would grant the petition for certiorari and summarily reverse.

No. 14–273. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. *v.* LARK. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 566 Fed. Appx. 161.

No. 14–310. COHEN ET AL. *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 751 F. 3d 629.

No. 14–463. CHUAN WANG *v.* INTERNATIONAL BUSINESS MACHINES CORP. ET AL. C. A. 1st Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 14–533. MALCOM *v.* FELDERS ET AL. C. A. 10th Cir. Motion of Sheriffs' Associations for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 755 F. 3d 870.

No. 14–560. FORTRES GRAND CORP. *v.* WARNER BROS. ENTERTAINMENT INC. C. A. 7th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 763 F. 3d 696.

No. 14–596. ROBICHEAUX ET AL. *v.* GEORGE, LOUISIANA STATE REGISTRAR AND CENTER DIRECTOR AT LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS, ET AL. C. A. 5th Cir. Certiorari before judgment denied.

No. 14–7136. JEFFERSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–7282. SACCOCCIA *v.* FARLEY, WARDEN. C. A. 6th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 573 Fed. Appx. 483.

No. 14–7370. SUESUE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 584 Fed. Appx. 705.

No. 14–7432. CLARK *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–7504. YICK MAN MUI *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

Rehearing Denied

No. 13–9195. REYES *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 572 U. S. 1137;

No. 13–9759. BANKS-DAVIS *v.* UNITED STATES, *ante*, p. 959;

No. 13–9924. WYLIE *v.* DALY, WARDEN, *ante*, p. 830;

No. 13–9934. SANDERS *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, *ante*, p. 831;

No. 13–10070. WINFIELD *v.* MERCY HOSPITAL ET AL., *ante*, p. 833;

No. 13–10072. SMITH *v.* OLSEN ET AL., *ante*, p. 834;

No. 13–10242. LARSEN-ORTA *v.* CALIFORNIA ET AL., *ante*, p. 838;

No. 13–10261. BURTON *v.* LEE, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY, *ante*, p. 839;

No. 13–10267. EILER *v.* SOUTH DAKOTA DEPARTMENT OF LABOR AND REGULATION, UNEMPLOYMENT INSURANCE DIVISION, *ante*, p. 839;

No. 13–10312. MADKINS *v.* TENNESSEE, *ante*, p. 841;

No. 13–10344. MANKO *v.* LENOX HILL HOSPITAL, *ante*, p. 842;

No. 13–10373. PESQUEIRA *v.* PARAMO, WARDEN, *ante*, p. 843;

No. 13–10433. EVANS *v.* CHAPPELL, WARDEN, *ante*, p. 847;

No. 13–10513. WHITTAKER *v.* MACKIE, WARDEN, *ante*, p. 852;

No. 13–10516. ORNELAS-CASTRO *v.* UNITED STATES, *ante*, p. 852;

No. 13–10577. OGLE *v.* OHIO, *ante*, p. 1011;

No. 13–10579. JENKINS *v.* DAVIS, WARDEN, *ante*, p. 856;

No. 13–10601. BRIGHT *v.* TOVES ET AL., *ante*, p. 857;

No. 13–10631. SABER ET AL. *v.* SABER, *ante*, p. 858;

No. 13–10696. RODGERS *v.* CALIFORNIA, *ante*, p. 862;

No. 13–10697. DUNCAN *v.* TEXAS, *ante*, p. 862;

No. 13–10763. GOLDEN *v.* SHEARIN, WARDEN, ET AL., *ante*, p. 865;

No. 14–173. DASHGIR *v.* UNITED STATES, *ante*, p. 934;

No. 14–178. KALYANARAM *v.* AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS AT THE NEW YORK INSTITUTE OF TECHNOLOGY, INC., *ante*, p. 1012;

No. 14–210. Erikson *v.* BP Exploration & Production Inc., *ante*, p. 975;

No. 14–237. Brown *v.* United States, *ante*, p. 935;

No. 14–269. Boles *v.* Riva et al., *ante*, p. 991;

No. 14–272. Mizukami *v.* American Home Mortgage Servicing et al., *ante*, p. 987;

No. 14–285. Mizukami *v.* Don Quijote (USA) Co. Ltd. et al., *ante*, p. 976;

No. 14–286. Butler *v.* Zoning Board of Appeals of Framingham, Massachusetts, et al., *ante*, p. 991;

No. 14–304. Pasquale *v.* Pasquale, *ante*, p. 976;

No. 14–364. Snyder *v.* Pennsylvania, *ante*, p. 992;

No. 14–5078. Brent *v.* Wenk et al., *ante*, p. 1013;

No. 14–5134. Eiler *v.* John Morrell & Co. (two judgments), *ante*, p. 884;

No. 14–5331. Spuck *v.* Pennsylvania, *ante*, p. 894;

No. 14–5344. Jones *v.* Foulk, Warden, *ante*, p. 894;

No. 14–5347. Jones *v.* Nuttall and Associates, *ante*, p. 977;

No. 14–5369. Blackmon *v.* Escambia County School Board, *ante*, p. 895;

No. 14–5519. Speed *v.* Mehan et al., *ante*, p. 903;

No. 14–5550. Mitchell *v.* Haas, Warden, *ante*, p. 938;

No. 14–5656. Rivera *v.* Smith, Warden, *ante*, p. 909;

No. 14–5685. Sutton *v.* Caskey et al., *ante*, p. 940;

No. 14–5728. Thomas *v.* Oregon et al., *ante*, p. 940;

No. 14–5734. Mannarino et al. *v.* Bank of America, N. A., et al., *ante*, p. 941;

No. 14–5779. Triplett *v.* United States Postal Service et al., *ante*, p. 941;

No. 14–5869. Howell *v.* Indiana, *ante*, p. 977;

No. 14–5907. Cotter *v.* Law Offices of Paul Gertz, P. C., *ante*, p. 942;

No. 14–5915. Langston *v.* Russell, Warden, *ante*, p. 978;

No. 14–5919. Ramey *v.* Hill, Warden, *ante*, p. 978;

No. 14–5943. Smith et al. *v.* United States, *ante*, p. 918;

No. 14–5950. Resper *v.* Sires et al., *ante*, p. 978;

No. 14–5951. Alexander et al. *v.* United States District Court for the District of Nevada et al., *ante*, p. 978;

No. 14–6011. Shabazz *v.* Virginia, *ante*, p. 980;

No. 14–6032. RODGERS *v.* VALENZUELA, WARDEN, *ante*, p. 943;

No. 14–6056. NORFLEET *v.* SPILLER, *ante*, p. 943;

No. 14–6057. STROUSE *v.* WILSON, WARDEN, ET AL., *ante*, p. 943;

No. 14–6060. SNODGRASS *v.* BERKLEE COLLEGE OF MUSIC ET AL., *ante*, p. 981;

No. 14–6112. ROBINSON *v.* UNITED STATES, *ante*, p. 944;

No. 14–6142. TAYLOR *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY, *ante*, p. 982;

No. 14–6177. VAN BUREN *v.* CALIFORNIA, *ante*, p. 994;

No. 14–6218. BURR *v.* NEW JERSEY, *ante*, p. 995;

No. 14–6232. LAVERGNE *v.* HIGGINGBOTTOM, *ante*, p. 983;

No. 14–6253. MUZIO *v.* UNITED STATES, *ante*, p. 948;

No. 14–6270. PROPHET *v.* WEST VIRGINIA, *ante*, p. 1015;

No. 14–6272. WATERS *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, *ante*, p. 983;

No. 14–6276. ADAMS *v.* CITY OF FEDERAL WAY, WASHINGTON, ET AL., *ante*, p. 1016;

No. 14–6281. WOODS *v.* REGENTS OF THE UNIVERSITY OF CALIFORNIA, *ante*, p. 1016;

No. 14–6299. KOTHARI *v.* WASHINGTON, *ante*, p. 983;

No. 14–6311. LAVERGNE *v.* ADVANCIAL FEDERAL CREDIT UNION, *ante*, p. 996;

No. 14–6330. BEHRENS *v.* SECURITIES AND EXCHANGE COMMISSION, *ante*, p. 996;

No. 14–6348. MORROW *v.* DONAHOE, POSTMASTER GENERAL, *ante*, p. 983;

No. 14–6350. CREAMER *v.* MOTORS LIQUIDATION COMPANY GUC TRUST, *ante*, p. 1030;

No. 14–6454. MATTHEWS *v.* HULL ET AL., *ante*, p. 997;

No. 14–6488. IN RE LEE, *ante*, p. 990;

No. 14–6513. ARMSTRONG *v.* VIRGINIA, *ante*, p. 986;

No. 14–6538. WILSON *v.* DOUGLAS ET AL., *ante*, p. 1050;

No. 14–6583. HOWER *v.* UNITED STATES, *ante*, p. 999;

No. 14–6594. DORSEY *v.* RELF ET AL., *ante*, p. 999;

No. 14–6640. RAD *v.* UNITED STATES, *ante*, p. 1000;

No. 14–6647. IN RE CHI MAK, *ante*, p. 990;

No. 14–6708. IN RE SMITH, *ante*, p. 973; and

No. 14–6740. DUSHANE *v.* UNITED STATES, *ante*, p. 1003. Petitions for rehearing denied.

No. 14–6669. GROVES *v.* UNITED STATES, *ante*, p. 1006. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

JANUARY 13, 2015

Certiorari Denied

No. 14–7949 (14A760). BRANNAN *v.* CHATMAN, WARDEN. Super. Ct. Butts County, Ga. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

JANUARY 14, 2015

Certiorari Denied

No. 14–7891 (14A732). KORMONDY *v.* SCOTT, GOVERNOR OF FLORIDA, ET AL. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 160 So. 3d 896.

No. 14–7929 (14A748). KORMONDY *v.* FLORIDA. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 154 So. 3d 341.

JANUARY 15, 2015

Miscellaneous Orders

No. 14A761 (14–7955). WARNER ET AL. *v.* GROSS ET AL. C. A. 10th Cir. Application for stays of execution of sentences of death, presented to JUSTICE SOTOMAYOR, and by her referred to the Court, denied.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG, JUSTICE BREYER, and JUSTICE KAGAN join, dissenting.

Charles Warner is to be executed tonight. He and three other Oklahoma death-row inmates filed a petition for certiorari and an application for stays of their executions, contending that Oklahoma's lethal injection protocol violates the Eighth Amendment. I believe that applicants have made the showing necessary to obtain a stay, and dissent from the Court's refusal to grant one.

I

Oklahoma had originally scheduled Warner's execution for April 29, 2014, immediately following its execution of Clayton Lockett. Both executions were to be carried out with a three-drug protocol consisting of midazolam, vecuronium bromide, and potassium chloride. In theory, at least, midazolam should render a condemned inmate unconscious, vecuronium bromide should paralyze him, and potassium chloride should stop his heart.

But the Lockett execution went poorly, to say the least. Lockett awoke and writhed on the execution table for some time after the drugs had been injected and officials confirmed him to be unconscious. He was overheard to say, "'Something is wrong,'" and, "'The drugs aren't working.'" App. C to Pet. for Cert. 6 (App.). Eventually, some 40 minutes after the lethal injection drugs were administered, Lockett died.

The State stayed all pending executions while it investigated what had gone wrong. Ultimately, the State issued a report that placed much of the blame on the execution team's failure to insert properly an intravenous (IV) line, finding that a large quantity of the drugs that should have been introduced into Lockett's blood stream had instead pooled in the tissue near the IV access point. An autopsy did determine, however, that the concentration of midazolam in Lockett's blood was higher than necessary to render an average person unconscious.

Soon thereafter, the State adopted a new execution protocol. The protocol contains a number of procedures designed to better ensure that execution team members are able to insert properly an IV line and assess the condemned inmate's consciousness. The protocol also provides for four alternative drug combinations that can be used for lethal injections, one of which is the same midazolam/vecuronium bromide/potassium chloride combination that was used in the Lockett execution. Whereas the prior protocol called for the injection of only 100 milligrams of midazolam, the new protocol now calls for the injection of 500 milligrams of that drug. The State has announced that it plans to use this particular drug combination in all upcoming executions.*

*The State has indicated that it intends to use rocuronium bromide in place of vecuronium bromide, but there does not appear to be any dispute that there is no material difference between these two drugs.

Warner, along with 20 other Oklahoma death-row inmates, filed a 42 U. S. C. § 1983 complaint against various state officials, contending that the State's proposed use of midazolam in executions would violate the Eighth Amendment. Four of the plaintiffs, including Warner, then requested a preliminary injunction to prevent the State from implementing the new protocol and executing them.

The District Court held a 3-day evidentiary hearing. Two expert witnesses for the plaintiffs testified that although midazolam could be used to render an individual unconscious, it was not and could not be relied on as an anesthetic because the patient could likely regain consciousness if exposed to noxious stimuli—such as the injection of potassium chloride. For that reason, the Food and Drug Administration (FDA) has not approved the drug for use as an anesthetic. As anesthesiologist Dr. Lubarsky detailed, midazolam is subject to a "'ceiling effect'" such that, no matter the dosage, it reaches a point of saturation and has no more effect, and at this saturation point the drug cannot keep someone unconscious. App. C, at 43. According to these experts, this feature distinguishes midazolam—a benzodiazepine, like Valium or Xanax—from barbiturates such as pentobarbital or sodium thiopental, which are often used as the first drug in a three-drug lethal injection protocol. In response, the State called a doctor of pharmacy, Dr. Evans, who disputed these claims. Although Dr. Evans acknowledged that midazolam was not generally employed as an anesthetic, he contended that it would function as one if given in a high enough (and ordinarily lethal) dose.

The District Court denied the plaintiffs' motion for a preliminary injunction, concluding that they had demonstrated no likelihood of success on the merits of their claims. The District Court found that "[t]he proper administration of 500 milligrams of midazolam . . . would make it a virtual certainty that any individual will be at a sufficient level of unconsciousness to resist the noxious stimuli which could occur from the application of the second and third drugs." *Id.*, at 42. Based on that finding, the District Court held that the plaintiffs had failed to establish that the protocol "presents a risk that is 'sure or very likely to cause serious illness and needless suffering.'" *Id.*, at 65 (quoting *Baze* v. *Rees*, 553 U. S. 35, 50 (2008) (plurality opinion of ROBERTS, C. J.)). The District Court also concluded that there was a "separate reason" the plaintiffs had failed to establish a likelihood of

success: They had not identified a "'known and available alternative'" by which they could be executed, as the State had "affirmatively shown that sodium thiopental and pentobarbital, the only alternatives to which the plaintiffs ha[d] alluded, are not available to the" State. App. C, at 66–67 (quoting *Baze*, 553 U. S., at 61).

The Tenth Circuit affirmed the District Court's order denying a preliminary injunction. The court held that the District Court had been correct to require the plaintiffs to identify an available alternative means of execution, and found itself unable to conclude that the District Court's factual findings regarding midazolam's effectiveness had been clearly erroneous. 776 F. 3d 721, 731–733, 735 (2015). The four plaintiffs, including Warner, petitioned for certiorari and filed an accompanying application for a stay of their executions.

II

To grant a stay, we must find a reasonable probability that the Court would vote to grant certiorari, a significant possibility of reversal, and a likelihood of irreparable injury to the applicant in the absence of a stay. See *Barefoot* v. *Estelle*, 463 U. S. 880, 895 (1983). This application met these criteria.

First, the question whether the courts below properly read *Baze* to require applicants to identify other drugs that the State might use to execute them warrants this Court's attention. The *Baze* plurality's statement that a challenger must show that the risk of severe pain is "substantial when compared to the known and available alternatives," 553 U. S., at 61, pertained to an Eighth Amendment claim that the procedures employed in a particular protocol were inferior to other procedures the State assertedly should have adopted, see *id.*, at 51; see also *id.*, at 62 ("Petitioners agree that, if administered as intended, that procedure will result in a painless death"). The same requirement should not necessarily extend to a claim that the planned execution will be unconstitutionally painful even if performed correctly; it would be odd if the constitutionality of being burned alive, for example, turned on a challenger's ability to point to an available guillotine. Indeed, *Baze* did not purport to overrule or even address *Hill* v. *McDonough*, 547 U. S. 573, 582 (2006), which rejected the argument that § 1983 plaintiffs such as applicants must plead an "alternative, authorized method of execution."

Second, both lower courts alternatively held that the use of midazolam did not create a substantial risk of unnecessary pain

within the meaning of *Baze*. As for that holding, applicants correctly point out that the decision in *Baze* was based on the understanding that the first drug in the three-drug cocktail—there, sodium thiopental—would work as intended. "It [was] uncontested that, failing a proper dose of sodium thiopental that would render the prisoner unconscious, there is a substantial, constitutionally unacceptable risk of suffocation from the administration of pancuronium bromide and pain from the injection of potassium chloride." 553 U. S., at 53 (plurality opinion). This issue is likewise uncontested here. If the first, anesthetic drug does not work, then the second and third drugs will leave the inmate paralyzed, slowly dying in "excruciating pain." *Id.*, at 71 (Stevens, J., concurring in judgment).

Applicants' likelihood of success on the merits turns primarily, then, on the contention that midazolam cannot be expected to maintain a condemned inmate in an unconscious state. I find the District Court's conclusion that midazolam will in fact work as intended difficult to accept given recent experience with the use of this drug. Lockett was able to regain consciousness even after having received a dose of midazolam—confirmed by a blood test—supposedly sufficient to knock him out entirely. Likewise, in Arizona's July 23, 2014, execution of Joseph Wood, the condemned inmate allegedly gasped for nearly two hours before dying, notwithstanding having been injected with the drug hydromorphone and 750 milligrams of midazolam—that is, 50% more of the drug than Oklahoma intends to use. Moreover, since the District Court denied the request for a preliminary injunction in this case, Ohio announced that it would no longer employ a similar two-drug cocktail involving midazolam and hydromorphone, which it used in a January 2014 execution during which the condemned inmate reportedly gasped and snorted for more than 20 minutes. See Williams, Drug Switch May Delay Executions in Ohio, N. Y. Times, Jan. 9, 2015, p. A15 (Washington, D. C., ed.).

Although the State emphasizes that Florida continues to employ a lethal injection protocol that utilizes the same drug types and amounts as will now be employed in Oklahoma, its apparent success with that method is subject to question because the injection of the paralytic vecuronium bromide may mask the ineffectiveness of midazolam as an anesthetic: The inmate may be fully conscious but unable to move. See *Baze*, 553 U. S., at 71 (Stevens, J., concurring in judgment) (noting that the use of a paralytic "masks

any outward sign of distress"). The deficiency of midazolam may generally be revealed only in an execution, such as Lockett's, where the IV fails to sufficiently deliver the paralyzing agent.

Moreover, there are numerous reasons to be skeptical of the evidence underlying the District Court's conclusion. As applicants emphasize, a number of scientific studies support the conclusion that midazolam does, in fact, have a ceiling effect, and in part for that reason has not been approved for use as an anesthetic by the FDA. In contending that midazolam will work as the State intends, Dr. Evans cited no studies, but instead appeared to rely primarily on the Web site www.drugs.com. But see App. H, at 88 (Web site's disclaimer that material provided is "not intended for medical advice, diagnosis or treatment"). Furthermore, his opinion was premised on his belief that midazolam's demonstrated "ceiling effect" was an effect specific to the spinal cord, and that there was no "ceiling effect" with respect to midazolam's operation on the brain. But applicants—who were not given the opportunity to present rebuttal evidence in the District Court—submitted to the Court of Appeals an affidavit from Dr. Lubarsky that explained: "[T]he ceiling effect is scientifically proven as fact and does not occur at the spinal cord level, nor has it been extensively studied there. Primary modes of anesthetic action of midazolam occur in the brain (Perouansky, Pearce & Hemmings, 2015) where electrical activity . . . is not further diminished with larger doses." App. F, at 1 (emphasis deleted).

I am deeply troubled by this evidence suggesting that midazolam cannot constitutionally be used as the first drug in a three-drug lethal injection protocol. It is true that we give deference to the district courts. But at some point we must question their findings of fact, unless we are to abdicate our role of ensuring that no clear error has been committed. We should review such findings with added care when what is at issue is the risk of the needless infliction of severe pain. Here, given the evidence before the District Court, I struggle to see how its decision to credit the testimony of a single purported expert can be supported given the substantial body of conflicting empirical and anecdotal evidence.

I believe that we should have granted applicants' application for stays. The questions before us are especially important now, given States' increasing reliance on new and scientifically untested methods of execution. Applicants have committed horrific

crimes, and should be punished. But the Eighth Amendment guarantees that no one should be subjected to an execution that causes searing, unnecessary pain before death. I hope that our failure to act today does not portend our unwillingness to consider these questions.

No. 14A771. KORMONDY *v.* FLORIDA. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied.

JANUARY 16, 2015

Certiorari Granted

No. 14–275. HORNE ET AL. *v.* DEPARTMENT OF AGRICULTURE. C. A. 9th Cir. Certiorari granted. Reported below: 750 F. 3d 1128.

No. 14–378. MCFADDEN *v.* UNITED STATES. C. A. 4th Cir. Certiorari granted. Reported below: 753 F. 3d 432.

No. 14–185. REYES MATA *v.* HOLDER, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari granted. William Peterson, Esq., of Houston, Tex., is invited to brief and argue this case as *amicus curiae* in support of the judgment below. Reported below: 558 Fed. Appx. 366.

No. 14–556. OBERGEFELL ET AL. *v.* HODGES, DIRECTOR, OHIO DEPARTMENT OF HEALTH;

No. 14–562. TANCO ET AL. *v.* HASLAM, GOVERNOR OF TENNESSEE, ET AL.;

No. 14–571. DEBOER ET AL. *v.* SNYDER, GOVERNOR OF MICHIGAN, ET AL.; and

No. 14–574. BOURKE ET AL. *v.* BESHEAR, GOVERNOR OF KENTUCKY. C. A. 6th Cir. Cases consolidated, and certiorari granted limited to the following questions: "(1) Does the Fourteenth Amendment require a State to license a marriage between two people of the same sex? (2) Does the Fourteenth Amendment require a State to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out of State?" A total of 90 minutes is allotted for oral argument on Question 1. A total of one hour is allotted for oral argument on Question 2. The parties are limited to filing briefs on the merits and presenting oral argument on the ques-

tions presented in their respective petitions. Briefs for petitioners are to be filed on or before 2 p.m., Friday, February 27, 2015. Briefs for respondents are to be filed on or before 2 p.m., Friday, March 27, 2015. Reply briefs are to be filed on or before 2 p.m., Friday, April 17, 2015. Reported below: 772 F. 3d 388.

No. 14–6368. KINGSLEY *v.* HENDRICKSON ET AL. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 744 F. 3d 443.

JANUARY 20, 2015

Certiorari Granted—Reversed and Remanded. (See No. 14–6873, *ante*, p. 373.)

Certiorari Granted—Vacated and Remanded

No. 13–705. KEIRAN ET AL. *v.* HOME CAPITAL, INC., ET AL. C. A. 8th Cir. Reported below: 720 F. 3d 721;

No. 13–884. TAKUSHI, INDIVIDUALLY AND AS TRUSTEE OF THE ALBERT G. TAKUSHI REVOCABLE LIVING TRUST DATED APRIL 11, 2007 *v.* BAC HOME LOANS SERVICING, LP. C. A. 9th Cir. Reported below: 542 Fed. Appx. 593; and

No. 13–1526. PETERSON ET AL. *v.* BANK OF AMERICA, N. A. C. A. 8th Cir. Reported below: 746 F. 3d 357. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Jesinoski* v. *Countrywide Home Loans, Inc.*, *ante*, p. 259.

Certiorari Dismissed

No. 14–7110. RIGGINS *v.* UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–7114. STEBBINS *v.* UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF ARKANSAS. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 14M71. GOLDBLATT *v.* KANSAS CITY, MISSOURI, ET AL. Motion for leave to proceed *in forma pauperis* with declaration of indigency under seal denied.

No. 14M72. Jaime Reyna *v.* Stephens, Director, Texas Department of Criminal Justice, Correctional Institutions Division. Motion for leave to proceed as a veteran denied.

No. 14–562. Tanco et al. *v.* Haslam, Governor of Tennessee, et al. C. A. 6th Cir. [Certiorari granted, *ante*, p. 1118.] Motion of Chris Sevier for leave to intervene denied.

No. 14–6589. Hairston *v.* Samuels, Director, Federal Bureau of Prisons, et al. C. A. 3d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 1022] denied.

No. 14–6960. M. J. *v.* Washington University in St. Louis Physicians et al. C. A. 8th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* granted, and the order entered December 15, 2014, [*ante*, p. 1060] is vacated.

No. 14–7525. Madrid *v.* KMF Fremont, LLC, et al. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until February 10, 2015, 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.

No. 14–630. In re Gould;

No. 14–7270. In re Shabazz; and

No. 14–7500. In re Abbott. Petitions for writs of mandamus denied.

Certiorari Denied

No. 13–817. Kellogg Brown & Root Services, Inc. *v.* Harris, Co-Administratrix of the Estate of Maseth, Deceased, et al. C. A. 3d Cir. Certiorari denied. Reported below: 724 F. 3d 458.

No. 13–956. Teva Pharmaceuticals USA, Inc., et al. *v.* Superior Court of California, Orange County, et al. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied. Reported below: 217 Cal. App. 4th 96, 158 Cal. Rptr. 3d 150.

No. 13–1241. KBR, Inc., et al. *v.* Metzgar et al. C. A. 4th Cir. Certiorari denied. Reported below: 744 F. 3d 326.

No. 14–105. KBR, Inc., et al. *v.* McManaway et al. C. A. 5th Cir. Certiorari denied.

No. 14–151. WILSON ET VIR *v.* CITY OF LONG BEACH, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 567 Fed. Appx. 485.

No. 14–200. NACS, FKA NATIONAL ASSOCIATION OF CONVENIENCE STORES, ET AL. *v.* BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM. C. A. D. C. Cir. Certiorari denied. Reported below: 746 F. 3d 474.

No. 14–337. HOLMICH *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 483.

No. 14–341. CLS TRANSPORTATION LOS ANGELES, LLC *v.* ISKANIAN. Sup. Ct. Cal. Certiorari denied. Reported below: 59 Cal. 4th 348, 327 P. 3d 129.

No. 14–420. LEMBARIS *v.* UNIVERSITY OF ROCHESTER. C. A. 2d Cir. Certiorari denied. Reported below: 566 Fed. Appx. 89.

No. 14–439. KURTZ ET AL. *v.* VERIZON NEW YORK, INC., FKA NEW YORK TELEPHONE CO., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 758 F. 3d 506.

No. 14–530. TAYLOR *v.* MARTIN, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 757 F. 3d 1122.

No. 14–536. JONES *v.* HOUSTON INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 282.

No. 14–539. DAVIS *v.* DUNCAN, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–540. PANASONIC CORP. ET AL. *v.* SAMSUNG ELECTRONICS CO., LTD. C. A. 9th Cir. Certiorari denied. Reported below: 747 F. 3d 1199.

No. 14–545. NORTON SIMON MUSEUM OF ART AT PASADENA ET AL. *v.* VON SAHER. C. A. 9th Cir. Certiorari denied. Reported below: 754 F. 3d 712.

No. 14–546. NEXTERA ENERGY POINT BEACH, LLC *v.* INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 2150. C. A. 7th Cir. Certiorari denied. Reported below: 762 F. 3d 592.

No. 14–548. EUBANKS *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 14–550. FERRIER *v.* KENTUCKY. Ct. App. Ky. Certiorari denied.

No. 14–559. FLEMING *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 455 S. W. 3d 577.

No. 14–566. FLORIDA DEPARTMENT OF CORRECTIONS *v.* RODRIGUEZ. C. A. 11th Cir. Certiorari denied. Reported below: 748 F. 3d 1073.

No. 14–567. HOFFMAN *v.* CAIN, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 752 F. 3d 430 and 763 F. 3d 403.

No. 14–575. HOBART CORP. ET AL. *v.* WASTE MANAGEMENT OF OHIO, INC., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 758 F. 3d 757.

No. 14–584. KUTTY *v.* DEPARTMENT OF LABOR. C. A. 6th Cir. Certiorari denied. Reported below: 764 F. 3d 540.

No. 14–609. MALASKA *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 216 Md. App. 492, 88 A. 3d 805.

No. 14–628. SOUTHERN ELECTRONICS SUPPLY, INC., ET AL. *v.* CAMSOFT DATA SYSTEMS, INC. C. A. 5th Cir. Certiorari denied. Reported below: 756 F. 3d 327.

No. 14–635. CARROLL *v.* HUNTER, ACTING WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 764 F. 3d 786.

No. 14–636. SEARCY *v.* MERIT SYSTEMS PROTECTION BOARD. C. A. Fed. Cir. Certiorari denied. Reported below: 572 Fed. Appx. 986.

No. 14–637. UNITED STATES EX REL. BARKO *v.* KELLOGG BROWN & ROOT, INC., ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 756 F. 3d 754.

No. 14–642. BARNES ET AL. *v.* KINNEY. Sup. Ct. Tex. Certiorari denied. Reported below: 443 S. W. 3d 87.

No. 14–667. DEE *v.* MAINE. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2014 ME 106, 99 A. 3d 285.

No. 14–673. ROGOWSKI *v.* MISSISSIPPI. Ct. App. Miss. Certiorari denied. Reported below: 145 So. 3d 1232.

No. 14–682. WHITAKER *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. Reported below: 146 So. 3d 333.

No. 14–698. WILLIE *v.* COMMISSION FOR LAWYER DISCIPLINE. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 14–702. STRAW *v.* KLOECKER ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 607.

No. 14–707. WARREN *v.* BANK OF AMERICA, N. A. C. A. 5th Cir. Certiorari denied.

No. 14–5258. YEARY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 740 F. 3d 569.

No. 14–5273. CARTER *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 3. Certiorari denied.

No. 14–6287. CABRERA PADILLA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 890.

No. 14–6320. SOLIZ *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 432 S. W. 3d 895.

No. 14–6332. NHUONG VAN NGUYEN *v.* PHAM ET AL. Sup. Ct. Cal. Certiorari denied.

No. 14–6343. COLE *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 14–6711. AMEUR *v.* GATES ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 759 F. 3d 317.

No. 14–7047. ROCCO *v.* SUPERIOR COURT OF CALIFORNIA, ORANGE COUNTY. C. A. 9th Cir. Certiorari denied.

No. 14–7061. LUCAS *v.* REYNOLDS, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 215.

No. 14–7067. BAEZ *v.* FALOR ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 566 Fed. Appx. 155.

No. 14–7068. ALVARADO *v.* BITER, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–7069. PRATER *v.* CITY OF PHILADELPHIA FAMILY COURT ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 569 Fed. Appx. 76.

No. 14–7070. MOORER *v.* UNIVERSAL PROTECTION SERVICE. C. A. 9th Cir. Certiorari denied.

No. 14–7075. ZAFRA VELASCO *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 14–7077. PRINGLE *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 97 A. 3d 594.

No. 14–7080. JACKSON *v.* MILLER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7087. YAZDCHI *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 428 S. W. 3d 831.

No. 14–7088. WALLER *v.* POSEY ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–7095. JAMERSON *v.* TEXAS. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 14–7099. DAWES *v.* PUBLISH AMERICA LLLP ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 117.

No. 14–7106. PERSAUD *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 146 So. 3d 1202.

No. 14–7107. MYERS *v.* BUREAU OF PRISONS MAILROOM STAFF ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 784.

No. 14–7108. MUHAMMAD *v.* VAUGHN ET AL. C. A. 7th Cir. Certiorari denied.

No. 14–7116. WILSON *v.* HARRINGTON, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–7117. WEBSTER *v.* ARAMARK CORRECTIONAL SERVICES, INC., ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–7120. CARR *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL. C. A. 5th Cir. Certiorari denied.

No. 14–7126. SALINAS *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–7131. MCCARTHY *v.* MCCARTHY. Sup. Ct. Ga. Certiorari denied. Reported below: 295 Ga. 231, 758 S. E. 2d 306.

No. 14–7132. BLUNT *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 87 A. 3d 874.

No. 14–7134. BERNIER *v.* COURT OF APPEAL OF CALIFORNIA, FOURTH APPELLATE DISTRICT, DIVISION ONE, ET AL. Sup. Ct. Cal. Certiorari denied.

No. 14–7150. MCARTY *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 14–7189. PINTO *v.* WALSH, SUPERINTENDENT, SULLIVAN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 14–7193. FRITH *v.* NORTH DAKOTA WORKFORCE SAFETY AND INSURANCE ET AL. Sup. Ct. N. D. Certiorari denied. Reported below: 2014 ND 116, 859 N. W. 2d 929.

No. 14–7243. LUGO *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 730 F. 3d 1198.

No. 14–7252. MAYO *v.* VERMONT. Sup. Ct. Vt. Certiorari denied.

No. 14–7292. WILLIAMS *v.* PERRITT, SUPERINTENDENT, LUMBERTON CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 90.

No. 14–7305. HICKS *v.* GROUNDS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 456.

No. 14–7307. FLETCHER *v.* MENDONSA, SUPERINTENDENT, SOUZA BARANOWSKI CORRECTIONAL CENTER. C. A. 1st Cir. Certiorari denied.

No. 14–7308. HILTON *v.* MCCALL, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 552 Fed. Appx. 283.

No. 14–7314. WHITE *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–7333. ZWEIFEL, NKA MEAD *v.* ZWEIFEL. Ct. App. Minn. Certiorari denied.

No. 14–7338. SLONE *v.* MEKO, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7364. JACKSON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–7381. VIVO *v.* CONNECTICUT. App. Ct. Conn. Certiorari denied. Reported below: 147 Conn. App. 414, 81 A. 3d 1241.

No. 14–7384. WESTON *v.* DENNEY, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 14–7401. MEALING *v.* GEORGIA DEPARTMENT OF JUVENILE JUSTICE. C. A. 11th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 421.

No. 14–7410. SECESSIONS *v.* OHIO. Ct. App. Ohio, 9th App. Dist., Summit County. Certiorari denied.

No. 14–7443. CARR-STEPHENSON *v.* OFFICEMAX NORTH AMERICA, INC. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 192.

No. 14–7466. ROBERTSON *v.* SAMUELS, DIRECTOR, FEDERAL BUREAU OF PRISONS, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–7476. ROBERTSON *v.* THOMAS, WARDEN. C. A. 3d Cir. Certiorari denied. Reported below: 578 Fed. Appx. 74.

No. 14–7487. BRUNSTING *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 14–7491. TATE *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 2014 WI 89, 357 Wis. 2d 172, 849 N. W. 2d 798.

No. 14–7563. BARTOLI *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 752 F. 3d 690.

No. 14–7565. SCOTT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 199.

No. 14–7566. RODRIGUEZ-IZNAGA *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 583.

No. 14–7575. HAYNESWORTH *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 568 Fed. Appx. 57.

No. 14–7576. SAMUEL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 836.

No. 14–7590. CHASSE *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–7618. SMITH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–7622. ANDRULONIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7624. CAUSEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 269.

No. 14–220. ROMAN CATHOLIC CHURCH OF THE DIOCESE OF BATON ROUGE ET AL. *v.* MAYEUX ET UX. Sup. Ct. La. Motion of Confraternity of Catholic Clergy for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 2013–2879 (La. 4/4/14), 135 So. 3d 1177.

No. 14–271. PLUMLEY, WARDEN *v.* AUSTIN. C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 565 Fed. Appx. 175.

JUSTICE THOMAS, with whom JUSTICE SCALIA joins, dissenting.

Forty-six years ago, this Court created a presumption of judicial vindictiveness that applies when a judge imposes a more severe sentence upon a defendant after a new trial. *North Carolina* v. *Pearce*, 395 U. S. 711, 725–726 (1969). That presumption was—and remains—an anomaly in our law, which ordinarily "'presum[es] . . . honesty and integrity in those serving as adjudicators.'" *Caperton* v. *A. T. Massey Coal Co.*, 556 U. S. 868, 891 (2009) (ROBERTS, C. J., dissenting) (quoting *Withrow* v. *Larkin*, 421 U. S. 35, 47 (1975)). Perhaps recognizing the oddity of this presumption, the Court has repeatedly cautioned that it applies only where there is a reasonable likelihood that the increase in sentence was the product of *actual* vindictiveness on the part of the sentencing authority. *E. g.*, *Alabama* v. *Smith*, 490 U. S. 794, 799 (1989).

Despite this instruction, confusion reigns. Some Courts of Appeals have taken a narrow view of the presumption, concluding that it applies only when a "triggering event" like a reversal by a higher tribunal "prods the sentencing court into a posture of self-vindication." *Kindred* v. *Spears*, 894 F. 2d 1477, 1480 (CA5 1990); accord, *e. g.*, *Fenner* v. *United States Parole Comm'n*, 251 F. 3d 782, 788 (CA9 2001). Others have taken a more expansive view, applying it when the trial court imposes a higher sentence after granting a motion for corrected sentence. See, *e. g.*, *United States* v. *Paul*, 783 F. 2d 84, 88 (CA7 1986). In this case, the United States Court of Appeals for the Fourth Circuit took the latter approach. 565 Fed. Appx. 175, 188 (2014) (*per curiam*). The Court should have granted this petition to resolve the confusion.

I

While serving a prison term for breaking and entering, respondent Timothy Jared Austin walked away from an inmate road crew. He was apprehended and pleaded guilty to attempted escape. The West Virginia trial court sentenced him to one to three years for the attempted escape.

At sentencing, the trial judge considered when Austin should begin serving that sentence. Austin was expected to be discharged on his breaking-and-entering conviction in December 2014, but was expected to become eligible for parole in March 2010. Recognizing that Austin's attempted escape had not been violent, but still amounted to a "breach [of] trust," App. to Pet. for Cert. 70, the trial court announced its sentence to begin on Austin's expected parole date:

> "Now, I've got several ways that I can sentence you. I can sentence you to a one to three, starting today [November 12, 2009], or I can sentence you to a one to three starting when you're discharged, but I'm going to split the baby in half. I'm going to sentence you to a one to three, and your one to three is going to begin in March of 2010, which means you're not going to get out on parole in March, but you will start your one year then.
>
> "Now, why am I doing it that way? . . . [I] think you should serve some time for [the attempted escape]; so, by making [the sentence] beginning in March of 2010, which is about 4 or 5 months from now and not giving you any back credit,

> that's probably going to cost you—well it will cost you your opportunity for parole because you won't be eligible then until March of 2011, and if the parole board wants to parole you on both of those, that's fine, and if not, well, you'll remember that next time you go for a little stroll." *Id.*, at 71–72.

Seven months later, Austin filed an expedited motion to correct his sentence, arguing that state law prohibited the trial court from imposing a sentence that was neither purely concurrent nor purely consecutive. While that motion was pending in the trial court, he petitioned the West Virginia Supreme Court of Appeals for a writ of mandamus to the trial court to respond to the motion. Four days after receiving a copy of that petition, the trial court entered an amended sentencing order as follows:

> "[T]he undersigned Judge received a copy of a Writ of Mandamus or in the alternative Original Petition for Writ of Habeas Corpus. The Court also received a proposed Amended Sentencing Order. After reviewing this matter, it is clear to this Court that an Amended [Sentencing] Order is needed to clarify the original Sentencing Order, entered on November 23, 2009. . . . It was the intent of this sentencing court that the sentence imposed on November 12, 2009 be served consecutively with the unrelated sentence the defendant was already serving on November 12, 2009. It was the intent of the sentencing court to give the defendant credit for time served from his arraignment to the date of sentencing and that the balance of his sentence be served consecutively to the sentence he was already serving in an unrelated matter." *Id.*, at 59.

This order resulted in a longer total sentence.

The defendant appealed to the West Virginia Supreme Court of Appeals, arguing that the court should presume that the trial judge had acted vindictively when he filed the amended sentencing order. The State Supreme Court rejected the appeal, explaining that it was clear that the trial judge acted only to clarify his intention in the original sentencing order.

The defendant then applied for a writ of habeas corpus in federal court based on the same claim of judicial vindictiveness. The District Court denied the application, concluding that the West Virginia Supreme Court of Appeals' decision was not based on an unreasonable determination of the facts. See 28 U. S. C. § 2254(d).

It agreed with the West Virginia Supreme Court of Appeals that nothing had occurred to trigger the presumption of judicial vindictiveness. As it explained, the West Virginia trial judge had entered the amended sentencing order based on the defendant's motion for a corrected sentence, not based on any reversal by a higher tribunal.

The Fourth Circuit granted a certificate of appealability and reversed. 565 Fed. Appx. 175. It concluded that the West Virginia Supreme Court of Appeals' decision was based on an unreasonable determination of the facts, § 2254(d)(2), and declined to afford any deference to that decision. *Id.*, at 184–185. It then applied the presumption of vindictiveness. Although recognizing that the state trial judge had not been reversed by a higher tribunal, the Fourth Circuit concluded that the presumption applied because, "when [the defendant] was resentenced, he was exercising rights guaranteed under the statutes and Constitution of West Virginia." *Id.*, at 188.

II

This Court should have granted certiorari to review the Fourth Circuit's decision for a number of reasons. To begin with, that decision is in tension with our precedents. Although "the *Pearce* opinion appeared on its face to announce a rule of sweeping dimension, our subsequent cases have made clear that its presumption of vindictiveness 'does not apply in every case where a convicted defendant receives a higher sentence on retrial.'" *Smith*, 490 U. S., at 799 (brackets omitted). Instead, we have applied it only where there is a reasonable likelihood of actual vindictiveness on the part of the sentencing authority. *Ibid.* Thus, we have refused to apply the presumption to a higher sentence entered after a retrial ordered by the original sentencing judge. *Texas* v. *McCullough*, 475 U. S. 134, 138–139 (1986). "'[U]nlike the judge who has been reversed,'" we explained, the trial judge had "'no motivation to engage in self-vindication.'" *Ibid.*

The Fourth Circuit's rule is incompatible with this reasoning. The Fourth Circuit concluded that the presumption applied because, when Austin was resentenced, "he was exercising rights guaranteed under the statutes and Constitution of West Virginia." 565 Fed. Appx., at 188. Under that reasoning, the defendant who exercised his rights to file and obtain a motion for a new trial should also have been entitled to the presumption of vindictive-

ness. Contra, *McCullough*, 475 U. S., at 138–139. But this Court has already rejected the "view that the judicial temperament of our Nation's trial judges will suddenly change upon the filing of a successful post-trial motion." *Id.*, at 139. To presume otherwise is to show profound disrespect to our fellow jurists. And that disrespect is even more pronounced in cases like this one, when federal judges are reviewing state criminal proceedings.

The Fourth Circuit's decision merits review for an additional reason: It deepens existing disagreement between the Courts of Appeals over the scope of the presumption of vindictiveness. On the one hand, the Fifth and Ninth Circuits have taken the position that the presumption does not apply "[a]bsent a triggering event" that "prods the sentencing court into a posture of self-vindication." *Kindred*, 894 F. 2d, at 1480; accord, *e. g.*, *Fenner*, 251 F. 3d, at 788. For these courts, a reversal by a higher tribunal or order from a higher tribunal is such a triggering event, see *Bono* v. *Benov*, 197 F. 3d 409, 417 (CA9 1999); *Kindred*, *supra*, at 1479–1480, whereas the mere filing of an application or motion challenging a sentence is not, see *Fenner*, *supra*, at 788–789. The Eighth Circuit agrees and has concluded that reversal by a higher tribunal is the only such triggering event. *Savina* v. *Getty*, 982 F. 2d 526 (1992) (unpublished table decision). The Seventh Circuit, on the other hand, has stated that it would apply the presumption even if the trial court imposed a higher sentence after itself granting a defendant's motion for a corrected sentence. *United States* v. *Brick*, 905 F. 2d 1092, 1096 (1990) (citing *United States* v. *Paul*, 783 F. 2d 84, 88 (CA7 1986)).

Our precedents have created this confusion, first by endorsing a presumption that is at odds with the respect we ordinarily accord our Nation's judges, and then by chipping away at that presumption in a piecemeal fashion. We should not abdicate our responsibility to clean up a mess of our making. *Utah Highway Patrol Assn.* v. *American Atheists, Inc.*, 565 U. S. 994, 1007–1009 (2011) (THOMAS, J., dissenting from denial of certiorari). It is time to revisit and clarify when, if ever, a presumption of judicial vindictiveness is appropriate.

True enough, the decision below is unpublished and therefore lacks precedential force in the Fourth Circuit. *Minor* v. *Bostwick Labs., Inc.*, 669 F. 3d 428, 433, n. 6 (2012). But that in itself is yet another disturbing aspect of the Fourth Circuit's decision, and

yet another reason to grant review. The Court of Appeals had full briefing and argument on Austin's claim of judicial vindictiveness. It analyzed the claim in a 39-page opinion written over a dissent. By any standard—and certainly by the Fourth Circuit's own—this decision should have been published. The Fourth Circuit's Local Rule 36(a) provides that opinions will be published only if they satisfy one or more of five standards of publication. The opinion in this case met at least three of them: It "establishe[d] . . . a rule of law within th[at] Circuit," "involve[d] a legal issue of continuing public interest," and "create[d] a conflict with a decision in another circuit." Rules 36(a)(i), (ii), (v) (2015). It is hard to imagine a reason that the Court of Appeals would not have published this opinion except to avoid creating binding law for the Circuit.

* * *

The Fourth Circuit's decision warrants review. It orders the District Court to grant the extraordinary writ of habeas corpus on a questionable basis. It announces a rule that is at odds with the decisions of this Court and Courts of Appeals. And, it does so in an unpublished opinion that preserves its ability to change course in the future. For these reasons, we should have granted the petition for a writ of certiorari.

No. 14–6573. CURRY *v.* UNITED STATES. C. A. 4th Cir. Motion of respondent for leave to file brief in opposition under seal with redacted copies for the public record granted. Motion of petitioner for leave to file reply brief under seal with redacted copies for the public record granted. Certiorari denied. Reported below: 575 Fed. Appx. 143.

No. 14–7102. KEARNEY *v.* GRAHAM, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 14–7596. FLOOD *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–7597. GAREY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–7601. ROMAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

Rehearing Denied

No. 12–9909. NOBLE *v.* UNITED STATES, 569 U. S. 1011;

No. 14–414. THOMPSON *v.* JPMORGAN CHASE BANK, N. A., ET AL., *ante*, p. 993;

No. 14–5016. WILLIAMS *v.* UNITED STATES, *ante*, p. 877;

No. 14–5806. ROSARIO *v.* RHODE ISLAND ET AL., *ante*, p. 962;

No. 14–5935. TAYLOR *v.* BERNICH ET UX., *ante*, p. 978;

No. 14–5972. NESBY *v.* TEXAS, *ante*, p. 979;

No. 14–5988. OLIVER *v.* BANKFIRST ET AL., *ante*, p. 979;

No. 14–6494. BRIGHT *v.* DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ET AL., *ante*, p. 1049; and

No. 14–6522. KITCHEN *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, *ante*, p. 1033. Petitions for rehearing denied.

JANUARY 23, 2015

Certiorari Granted

No. 13–1067. OBB PERSONENVERKEHR AG *v.* SACHS. C. A. 9th Cir. Certiorari granted. Reported below: 737 F. 3d 584.

No. 14–7955. GLOSSIP ET AL. *v.* GROSS ET AL. C. A. 10th Cir. Motion of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 776 F. 3d 721.

JANUARY 26, 2015

Certiorari Granted—Vacated and Remanded

No. 13–955. KNIGHT ET AL. *v.* THOMPSON ET AL. C. A. 11th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Holt* v. *Hobbs*, *ante*, p. 352. Reported below: 723 F. 3d 1275.

No. 13–1286. GEVO, INC. *v.* BUTAMAX ADVANCED BIOFUELS LLC. C. A. Fed. Cir. Reported below: 746 F. 3d 1302;

No. 13–1536. LIGHTING BALLAST CONTROL LLC *v.* UNIVERSAL LIGHTING TECHNOLOGIES, INC. C. A. Fed. Cir. Reported below: 744 F. 3d 1272; and

No. 14–206. SHIRE DEVELOPMENT, LLC, ET AL. *v.* WATSON PHARMACEUTICALS, INC., ET AL. C. A. Fed. Cir. Reported below: 746 F. 3d 1326. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Teva Pharmaceuticals USA, Inc.* v. *Sandoz, Inc.*, *ante*, p. 318. JUSTICE ALITO took no part in the consideration or decision of No. 13–1286.

Certiorari Dismissed

No. 14–7187. ENRIQUEZ *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 14A676. DILWORTH ET AL. *v.* CITY OF EVERETT, WASHINGTON, ET AL. Application for an injunction, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 14A677 (14–7244). SHAO *v.* TSAN-KUEN WANG. Application for stay, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 14M73. SOSA-LOPEZ *v.* UNITED STATES;

No. 14M74. NEIL *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.;

No. 14M75. WILSON *v.* CITY OF DAYTON, OHIO, ET AL.; and

No. 14M77. SNEED *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 14M76. TARTT *v.* UNITED STATES. Motion for leave to proceed as a veteran denied.

No. 13–550. TIBBLE ET AL. *v.* EDISON INTERNATIONAL ET AL. C. A. 9th Cir. [Certiorari granted, 573 U. S. 991.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 14–116. BULLARD *v.* BLUE HILLS BANK, FKA HYDE PARK SAVINGS BANK. C. A. 1st Cir. [Certiorari granted, *ante*, p. 1058.] Motion of petitioner to dispense with printing joint appendix granted.

No. 14–7316. WHEETLEY *v.* TENNESSEE. Sup. Ct. Tenn.; and

No. 14–7548. CARMICHAEL *v.* AMERICAN EXPRESS TRAVEL RELATED SERVICES CO., INC. Ct. App. Cal., 4th App. Dist., Div. 1. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until February 17, 2015, 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.

No. 14–7769. IN RE AUBERT;
No. 14–7821. IN RE COLEMAN; and
No. 14–7841. IN RE SMITH. Petitions for writs of habeas corpus denied.

No. 14–7185. IN RE RODRIGUEZ. Petition for writ of mandamus denied.

Certiorari Denied

No. 14–182. IRISH *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 2013–1483 (La. 5/16/14), 139 So. 3d 1019.

No. 14–256. KEELE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 755 F. 3d 752.

No. 14–374. RAINEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 757 F. 3d 234.

No. 14–438. AMERICAN COMMERCIAL LINES, LLC *v.* UNITED STATES ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 759 F. 3d 420.

No. 14–441. HAMMER ET AL. *v.* SAM'S EAST, INC., ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 754 F. 3d 492.

No. 14–457. KING *v.* MCCREE. C. A. 6th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 430.

No. 14–459. CENTURY EXPLORATION NEW ORLEANS, LLC *v.* UNITED STATES; and
No. 14–504. CHAMPION EXPLORATION, LLC *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 745 F. 3d 1168.

No. 14–561. SELLE *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 14–569. CRUGHER *v.* PRELESNIK, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 761 F. 3d 610.

No. 14–573. LEWIS *v.* PEER ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 840.

No. 14–578. NAEGELE *v.* ALBERS ET AL. C. A. D. C. Cir. Certiorari denied.

No. 14–588. VALLEJO *v.* COUNTRYWIDE BANK, F. S. B. Sup. Ct. Fla. Certiorari denied. Reported below: 147 So. 3d 530.

No. 14–590. SMITH *v.* TOAL ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 283.

No. 14–592. HURST *v.* LEE COUNTY, MISSISSIPPI. C. A. 5th Cir. Certiorari denied. Reported below: 764 F. 3d 480.

No. 14–598. ARROYO *v.* FEDERAL DEPOSIT INSURANCE CORPORATION ET AL. C. A. 1st Cir. Certiorari denied.

No. 14–603. TABB *v.* LORENZETTI. Sup. Ct. App. W. Va. Certiorari denied.

No. 14–606. MERRIMON ET AL. *v.* UNUM LIFE INSURANCE COMPANY OF AMERICA. C. A. 1st Cir. Certiorari denied. Reported below: 758 F. 3d 46.

No. 14–624. MRR SANDHILLS, LLC, ET AL. *v.* MARLBORO COUNTY, SOUTH CAROLINA. Ct. App. S. C. Certiorari denied.

No. 14–627. MCGRATH, ADMINISTRATRIX OF THE ESTATE OF MCGRATH *v.* TAVARES ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 757 F. 3d 20.

No. 14–632. MURPHY *v.* SLOAN. C. A. 9th Cir. Certiorari denied. Reported below: 764 F. 3d 1144.

No. 14–640. MILAT *v.* HOLDER, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied. Reported below: 755 F. 3d 354.

No. 14–679. LLOVET *v.* CITY OF CHICAGO, ILLINOIS, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 761 F. 3d 759.

No. 14–689. AMU *v.* ILLINOIS ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION. Sup. Ct. Ill. Certiorari denied.

No. 14–731. INTERTEK USA, INC. *v.* CARIBBEAN PETROLEUM CORP. ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 580 Fed. Appx. 82.

No. 14–5336. MCCRAY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 705.

No. 14–5388. BEQUETTE *v.* UNITED STATES (Reported below: 567 Fed. Appx. 450); and HUNTLEY *v.* UNITED STATES (571 Fed. Appx. 402). C. A. 6th Cir.

No. 14–6114. GOOD *v.* BERGHUIS, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 729 F. 3d 636.

No. 14–6822. GOINGS *v.* SUMNER COUNTY DISTRICT ATTORNEY'S OFFICE ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 571 Fed. Appx. 634.

No. 14–7144. STURGILL *v.* STURGILL. Ct. App. Ky. Certiorari denied.

No. 14–7148. PANIAGUA *v.* GIPSON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7153. RICHARDS *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 149.

No. 14–7154. DALE *v.* HOWARD, SHERIFF, ERIE COUNTY, NEW YORK. C. A. 2d Cir. Certiorari denied.

No. 14–7156. CREWE *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 102 App. Div. 3d 981, 958 N. Y. S. 2d 613.

No. 14–7158. CORY *v.* LEASURE ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–7164. VICTORIAN *v.* SOTO, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 742.

No. 14–7166. WILLIAMS *v.* BOARD OF EDUCATION OF BALTIMORE COUNTY. Cir. Ct. Baltimore City, Md. Certiorari denied.

No. 14–7167. WEEKLEY *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7171. JENKINS *v.* TRIBLEY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7174. TURNER *v.* BURT, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7182. HIRAMANEK *v.* HIRAMANEK. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 14–7183. MITCHELL *v.* NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES ET AL. C. A. 2d Cir. Certiorari denied.

No. 14–7191. HUDSON *v.* GENESEE INTERMEDIATE SCHOOL DISTRICT ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–7192. SWEENEY *v.* DISCIPLINARY BOARD OF THE SUPREME COURT OF NORTH DAKOTA. Sup. Ct. N. D. Certiorari denied.

No. 14–7198. WESSEL *v.* GOWERS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 625.

No. 14–7203. TOBIAS *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7204. WILSON *v.* CAIN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 14–7205. MCELVY *v.* NATIONSTAR MORTGAGE LLC. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 293.

No. 14–7206. MARTIN *v.* FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 14–7207. MACY *v.* HOWARD ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 427.

No. 14–7211. SINGH *v.* LIPWORTH. Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 227 Cal. App. 4th 813, 174 Cal. Rptr. 3d 131.

No. 14–7214. D. C. M. *v.* FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES ET AL. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 160 So. 3d 437.

No. 14–7216. ALLAN *v.* NEW YORK. Sup. Ct. N. Y., Suffolk County. Certiorari denied.

No. 14–7219. BARNHILL *v.* NORTH CAROLINA. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 273.

No. 14–7222. MASON *v.* TEXAS. Ct. App. Tex., 14th Dist. Certiorari denied. Reported below: 416 S. W. 3d 720.

No. 14–7226. WOODS *v.* ARIZONA ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–7227. CARTER *v.* CARTER ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 530.

No. 14–7229. BRATTON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–7230. ELLIOTT *v.* SWARTHOUT, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7233. POLLINI *v.* KENTUCKY. Sup. Ct. Ky. Certiorari denied. Reported below: 437 S. W. 3d 144.

No. 14–7234. SCOTT *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–7241. PEREZ SANTIAGO *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 14–7242. BROWN *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7261. DUNG DINH ANH TRINH *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 59 Cal. 4th 216, 326 P. 3d 939.

No. 14–7272. GLEASON *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 299 Kan. 1127, 329 P. 3d 1102.

No. 14–7285. VELAZQUEZ-RAMERIZ *v.* FAYRAM, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 14–7294. ISH *v.* UTTECHT, SUPERINTENDENT, COYOTE RIDGE CORRECTIONS CENTER. C. A. 9th Cir. Certiorari denied.

No. 14–7296. FOGLE *v.* GONZALES. C. A. 10th Cir. Certiorari denied. Reported below: 570 Fed. Appx. 795.

No. 14–7300. GILES *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–7346. WILLIAMS *v.* LUDWICK, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 761 F. 3d 841.

No. 14–7348. HARRELL *v.* WILSON, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 839.

No. 14–7392. ANDERSON *v.* UNITED STATES ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 865.

No. 14–7395. ANTONIO MARROQUIN *v.* MACDONALD, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7403. SANDERS *v.* MYRICK, SUPERINTENDENT, TWO RIVERS CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied.

No. 14–7440. SHEHADEH *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 586 Fed. Appx. 47.

No. 14–7449. SARIPALLI *v.* SAVANNAH TECHNICAL COLLEGE. C. A. 11th Cir. Certiorari denied.

No. 14–7453. BOMANI *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 14–7462. ROBERTSON *v.* EXECUTIVE DIRECTOR, BRAIN INSTITUTE, GEISINGER MEDICAL CENTER. C. A. 3d Cir. Certiorari denied. Reported below: 578 Fed. Appx. 76.

No. 14–7467. MOSLEY *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 853 N. W. 2d 789.

No. 14–7501. WEBSTER *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 619.

No. 14–7532. LITTLE *v.* NAU. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 14–7536. AGOFSKY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–7554. EVANS *v.* PIERCE, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–7567. LADEAIROUS *v.* HOLDER, ATTORNEY GENERAL, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 574 Fed. Appx. 3.

No. 14–7573. DOUGHERTY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 754 F. 3d 1353.

No. 14–7600. SANTIAGO *v.* UNGER, SUPERINTENDENT, WYOMING CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 588 Fed. Appx. 1.

No. 14–7605. AMAR *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7613. FISHER *v.* LEWIS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7619. PULIDO VALENCIA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 488.

No. 14–7626. MCKNIGHT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–7630. HAMPTON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 861.

No. 14–7631. HUGHES *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 562 Fed. Appx. 393.

No. 14–7642. FLANDERS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 752 F. 3d 1317.

No. 14–7648. ALONZO HERNANDEZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 162.

No. 14–7651. GARCON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 767.

No. 14–7652. RODRIGUEZ-SOLER *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 773 F. 3d 289.

No. 14–7654. MARK *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 763 F. 3d 322.

No. 14–7655. URIBE-NAVA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 424.

No. 14–7657. WASSER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 586 Fed. Appx. 501.

No. 14–7662. GARCIA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 768 F. 3d 822.

No. 14–7665. NOTT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 195.

No. 14–7666. MUBDI *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 193.

No. 14–7674. KINLAW *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 132.

No. 14–7677. FIGUEROA-CRUZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–7678. AROJOJOYE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 753 F. 3d 729.

No. 14–7687. NAVARETTEE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 422.

No. 14–7691. SILVA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 804.

No. 14–7697. JIMENEZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 586 Fed. Appx. 50.

No. 14–7699. LIZARRAGA-CARRIZALES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 757 F. 3d 995.

No. 14–7722. BRIDGERS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 14–7732. WHITE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 592 Fed. Appx. 121.

No. 14–586. OKLAHOMA EX REL. PRUITT, ATTORNEY GENERAL OF OKLAHOMA *v.* BURWELL, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. C. A. 10th Cir. Certiorari before judgment denied.

No. 14–587. TARGET CORP. *v.* THOMPSON. C. A. 9th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 14–7612. JOHNSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

Rehearing Denied

No. 13–10502. GOETZ *v.* STRICKLAND, *ante*, p. 851;
No. 14–5076. PEREZ *v.* OKLAHOMA, *ante*, p. 881;
No. 14–5562. IN RE GALLARDO, *ante*, p. 813;
No. 14–5756. DUKLES *v.* OHIO, *ante*, p. 961;
No. 14–6017. ROWLETT *v.* MICHIGAN BELL TELEPHONE CO. ET AL., *ante*, p. 980;
No. 14–6139. ROBERTS *v.* MYRICK, SUPERINTENDENT, TWO RIVERS CORRECTIONAL INSTITUTION, *ante*, p. 994;
No. 14–6478. WEN LIU *v.* MOUNT SINAI SCHOOL OF MEDICINE ET AL., *ante*, p. 1032;
No. 14–6699. SHEA *v.* DAVEY, WARDEN, *ante*, p. 1034;
No. 14–6772. LEVITAN *v.* FLORIDA, *ante*, p. 1018; and
No. 14–7128. IN RE BENNER, *ante*, p. 1046. Petitions for rehearing denied.

JANUARY 27, 2015

Miscellaneous Order

No. 14–8169 (14A804). IN RE HILL. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 14–8083 (14A785). HILL *v.* CHATMAN, WARDEN. Super. Ct. Butts County, Ga. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. JUSTICE BREYER and JUSTICE SOTOMAYOR would grant the application for stay of execution.

JANUARY 28, 2015

Miscellaneous Order

No. 14A796 (14–7955). GLOSSIP ET AL. *v.* GROSS ET AL. C. A. 10th Cir. Respondents' application for stays of execution of sentences of death, presented to JUSTICE SOTOMAYOR, and by her

referred to the Court, granted, and it is hereby ordered that petitioners' executions using midazolam are stayed pending final disposition of this case.

JANUARY 29, 2015

Certiorari Denied

No. 14–8168 (14A823). LADD *v.* LIVINGSTON, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied. Reported below: 777 F. 3d 286.

No. 14–8180 (14A815). LADD *v.* TEXAS. Ct. Crim. App. Tex. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied.

FEBRUARY 3, 2015

Dismissal Under Rule 46

No. 14–6381. TOCA *v.* LOUISIANA. Sup. Ct. La. [Certiorari granted, *ante*, p. 1058.] Writ of certiorari dismissed under this Court's Rule 46.1. Reported below: 2013–1880 (La. 6/20/14), 141 So. 3d 265.

FEBRUARY 4, 2015

Certiorari Denied

No. 14–7398 (14A794). NEWBERRY *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied. Reported below: 756 F. 3d 850.

FEBRUARY 5, 2015

Miscellaneous Order

No. 14A838 (14–292). BOWER *v.* TEXAS. Ct. Crim. App. Tex. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, granted pending disposition of the petition for writ of certiorari. Should

the petition for writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for writ of certiorari is granted, the stay shall terminate upon the issuance of the mandate of this Court.

February 9, 2015

Miscellaneous Order

No. 14A840. Strange, Attorney General of Alabama *v.* Searcy et al. C. A. 11th Cir. Application for stay, presented to Justice Thomas, and by him referred to the Court, denied.

Justice Thomas, with whom Justice Scalia joins, dissenting.

The Attorney General of Alabama asked us to stay a federal injunction preventing him from enforcing several provisions of Alabama law defining marriage as a legal union of one man and one woman pending our consideration of *Obergefell* v. *Hodges*, No. 14–556; *Tanco* v. *Haslam*, No. 14–562; *DeBoer* v. *Snyder*, No. 14–571; and *Bourke* v. *Beshear*, No. 14–574. Those cases are scheduled to be argued this Term and present the same constitutional question at issue here: whether the Fourteenth Amendment requires States to recognize unions between two people of the same sex as a marriage under state law.

When courts declare state laws unconstitutional and enjoin state officials from enforcing them, our ordinary practice is to suspend those injunctions from taking effect pending appellate review. See, *e. g.*, *Herbert* v. *Kitchen*, 571 U. S. 1116 (2014); see also *San Diegans for Mt. Soledad Nat. War Memorial* v. *Paulson*, 548 U. S. 1301 (2006) (Kennedy, J., in chambers) (staying an injunction requiring a city to remove its religious memorial). Although a stay is not a matter of right, this practice reflects the particularly strong showing that States are often able to make in favor of such a stay. Because States are required to comply with the Constitution, and indeed take care to do so when they enact their laws, it is a rare case in which a State will be unable to make at least some showing of a likelihood of success on the merits. States also easily meet the requirement of irreparable injury, for "'[a]ny time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury.'" *Maryland* v. *King*, 567 U. S. 1301, 1304 (2012) (Roberts, C. J., in chambers) (quoting *New*

Motor Vehicle Bd. of Cal. v. *Orrin W. Fox Co.*, 434 U. S. 1345, 1351 (1977) (Rehnquist, J., in chambers)). The equities and public interest likewise generally weigh in favor of enforcing duly enacted state laws.

It was thus no surprise when we granted a stay in similar circumstances a little over a year ago. See *Herbert* v. *Kitchen*, *supra*. Nor was it a surprise when we granted a stay in similar circumstances less than six months ago. *McQuigg* v. *Bostic*, 573 U. S. 982 (2014). Those decisions reflected the appropriate respect we owe to States as sovereigns and to the people of those States who approved those laws.

This application should have been treated no differently. That the Court more recently denied several stay applications in this context is of no moment. Those denials followed this Court's decision in October not to review seven petitions seeking further review of lower court judgments invalidating state marriage laws. Although I disagreed with the decisions to deny those applications, *Armstrong* v. *Brenner*, *ante*, p. 1068; *Wilson* v. *Condon*, *ante*, p. 1021; *Moser* v. *Marie*, *ante*, p. 1006, I acknowledge that there was at least an argument that the October decision justified an inference that the Court would be less likely to grant a writ of certiorari to consider subsequent petitions. That argument is no longer credible. The Court has now granted a writ of certiorari to review these important issues and will do so by the end of the Term. The Attorney General of Alabama is thus in an even better position than the applicant to whom we granted a stay in *Herbert* v. *Kitchen*.

Yet rather than treat like applicants alike, the Court looks the other way as yet another Federal District Judge casts aside state laws without making any effort to preserve the status quo pending the Court's resolution of a constitutional question it left open in *United States* v. *Windsor*, 570 U. S. 744, 775 (2013). This acquiescence may well be seen as a signal of the Court's intended resolution of that question. This is not the proper way to discharge our Article III responsibilities. And, it is indecorous for this Court to pretend that it is.

Today's decision represents yet another example of this Court's increasingly cavalier attitude toward the States. Over the past few months, the Court has repeatedly denied stays of lower court judgments enjoining the enforcement of state laws on questionable constitutional grounds. See, *e. g.*, *Maricopa County* v.

Lopez-Valenzuela, *ante*, at 1006–1007 (THOMAS, J., joined by SCALIA, J., respecting denial of application for stay) (collecting cases). It has similarly declined to grant certiorari to review such judgments without any regard for the people who approved those laws in popular referendums or elected the representatives who voted for them. In this case, the Court refuses even to grant a temporary stay when it will resolve the issue at hand in several months.

I respectfully dissent from the denial of this application. I would have shown the people of Alabama the respect they deserve and preserved the status quo while the Court resolves this important constitutional question.

FEBRUARY 10, 2015

Miscellaneous Order

No. 14A852 (14–8362). STOREY *v.* LOMBARDI, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE SOTOMAYOR, and JUSTICE KAGAN would grant the application for stay of execution.

FEBRUARY 20, 2015

Miscellaneous Orders

No. 13–1175. CITY OF LOS ANGELES, CALIFORNIA *v.* PATEL ET AL. C. A. 9th Cir. [Certiorari granted, *ante*, p. 958.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 13–1314. ARIZONA STATE LEGISLATURE *v.* ARIZONA INDEPENDENT REDISTRICTING COMMISSION ET AL. D. C. Ariz. [Probable jurisdiction postponed, 573 U. S. 990.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 13–1333. COLEMAN, AKA COLEMAN-BEY *v.* TOLLEFSON ET AL.; COLEMAN, AKA COLEMAN-BEY *v.* BOWERMAN ET AL.; COLEMAN, AKA COLEMAN-BEY *v.* DYKEHOUSE ET AL.; and COLEMAN, AKA COLEMAN-BEY *v.* VROMAN ET AL. C. A. 6th Cir. [Certiorari granted, 573 U. S. 990.] Motion of the Solicitor Gen-

eral for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 14–103. Baker Botts L. L. P. et al. *v.* ASARCO LLC. C. A. 5th Cir. [Certiorari granted, 573 U. S. 991.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

February 23, 2015

Certiorari Granted—Vacated and Remanded

No. 14–696. Smith *v.* Delta Air Lines, Inc., et al. C. A. 11th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Fifth Third Bancorp* v. *Dudenhoeffer*, 573 U. S. 409 (2014). Reported below: 563 Fed. Appx. 681.

Certiorari Dismissed

No. 14–7472. Assa'ad-Faltas *v.* Richland County Sheriff's Department et al. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*). Reported below: 572 Fed. Appx. 251.

No. 14–7509. Steiner *v.* Jones, Secretary, Florida Department of Corrections, et al. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–7514. Steiner *v.* Jones, Secretary, Florida Department of Corrections, et al. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–7643. Stebbins *v.* Stebbins et al. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 575 Fed. Appx. 705.

No. 14–7644. TODD *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–7727. MARCUSSE *v.* UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*). JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition.

No. 14–7824. COLEMAN *v.* CARAWAY, WARDEN. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition.

No. 14–7903. WEST *v.* WISCONSIN. Ct. App. Wis. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*). Reported below: 2014 WI App 83, 355 Wis. 2d 578, 851 N. W. 2d 471.

Miscellaneous Orders

No. D–2770. IN RE DISBARMENT OF ADAMS. Disbarment entered. [For earlier order herein, see 572 U. S. 1147.]

No. 14M78. MADRIL *v.* BITER, WARDEN, ET AL.;
No. 14M80. CARTER *v.* SWARTHOUT, WARDEN;
No. 14M81. AKHU EL *v.* BNSF RAILWAY CO. ET AL.;
No. 14M86. AMRHEIN *v.* RIECHERT ET AL.; and

No. 14M87. Bernard D. *v.* New York. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 14M79. Erickson *v.* United States Postal Service; and

No. 14M88. Gossage *v.* Office of Personnel Management et al. Motions for leave to proceed as veterans granted.

No. 14M82. Tanasescu *v.* State Bar of California et al. Motion for leave to proceed *in forma pauperis* with declaration of indigency under seal denied.

No. 14M83. Ioppolo *v.* Rumana et al.; and

No. 14M84. Cole *v.* Generations Adoptions et al. Motions for leave to file petitions for writs of certiorari with supplemental appendixes under seal granted.

No. 14M85. Budik *v.* United States. Motion for leave to proceed as a veteran denied.

No. 137, Orig. Montana *v.* Wyoming et al. Report of the Special Master received and ordered filed. The Court notes that the Master has twice directed the parties to address whether the amount of damages at stake justifies further proceedings. The Master's Report and the submissions of the parties indicate that fees and expenses could well exceed any recovery. The parties are therefore directed to consider carefully whether it is appropriate for them to continue invoking the jurisdiction of this Court. See *Arizona* v. *California*, 373 U. S. 546, 564 (1963) ("[W]e are mindful of this Court's often expressed preference that, where possible, States settle their controversies by mutual accommodation and agreement" (internal quotation marks omitted)). The Special Master is encouraged to facilitate efforts to resolve the parties' dispute without the need for a damages proceeding, including by revisiting the arrangement for division of fees and expenses. Cf. Fed. Rule Civ. Proc. 68. If the parties elect to continue, exceptions to the Report, with supporting briefs, may be filed within 45 days. Replies, if any, with supporting briefs, may be filed within 30 days. Surreplies, if any, with supporting briefs, may be filed within 30 days. Motion of the Special Master for allowance of fees and disbursements granted, and the Special Master is awarded a total of $201,104.90 for the period July 2, 2013, through April 30, 2014, to be paid equally by Montana and Wyoming. [For earlier order herein, see, *e. g.*, 571 U. S. 971.]

No. 13–895. Alabama Legislative Black Caucus et al. *v.* Alabama et al. D. C. M. D. Ala. [Probable jurisdiction noted, 572 U. S. 1149.] Motion of appellants for leave to file a supplemental brief after argument granted.

No. 14–6841. Koon *v.* South Carolina. Sup. Ct. S. C. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante,* p. 1069] denied.

No. 14–6892. Tatten *v.* Bank of America Corp. et al. C. A. 10th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante,* p. 1072] denied.

No. 14–7202. Viola *v.* Zickefoose, Warden. C. A. 2d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante,* p. 1070] denied.

No. 14–7376. Clayton *v.* New York City Taxi & Limousine Commission et al. App. Div., Sup. Ct. N. Y., 1st Jud. Dept.;

No. 14–7461. Lindner *v.* Newell et al. C. A. 2d Cir.;

No. 14–7553. Cooper *v.* Cooper. App. Ct. Mass.;

No. 14–7663. Parker *v.* U. S. Bank N. A. C. A. 11th Cir.; and

No. 14–7701. Bell *v.* New York State Higher Education Services Corporation et al. C. A. 2d Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until March 16, 2015, 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.

No. 14–8170. In re Flores-Rivera;

No. 14–8225. In re De La O; and

No. 14–8256. In re Turner. Petitions for writs of habeas corpus denied.

No. 14–722. In re Singhal;

No. 14–7577. In re Smith et al.;

No. 14–7582. In re Phillips; and

No. 14–7793. In re Hedrick. Petitions for writs of mandamus denied.

No. 14–8090. In re Matthews. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court's Rule 39.8.

No. 14–7258. In re Bernier et al.;
No. 14–7373. In re Hiramanek;
No. 14–7374. In re Hiramanek;
No. 14–7486. In re Martinez; and
No. 14–7522. In re Cole. Petitions for writs of mandamus and/or prohibition denied.

No. 14–375. In re Ryan, Director, Arizona Department of Corrections. Motion of respondent Graham S. Henry for leave to proceed *in forma pauperis* granted. Petition for writ of mandamus and/or prohibition dismissed as moot.

No. 14–7580. In re Bowles. Petition for writ of prohibition denied.

Certiorari Denied

No. 14–276. Wilkins *v.* Stephens, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 299.

No. 14–306. Elevating Boats, L. L. C. *v.* Naquin. C. A. 5th Cir. Certiorari denied. Reported below: 744 F. 3d 927.

No. 14–342. King Cole Foods, Inc., et al. *v.* United States et al. C. A. 6th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 444.

No. 14–363. Hildebrand *v.* Allegheny County, Pennsylvania, et al. C. A. 3d Cir. Certiorari denied. Reported below: 757 F. 3d 99.

No. 14–366. MadStad Engineering, Inc., et al. *v.* Patent and Trademark Office et al. C. A. Fed. Cir. Certiorari denied. Reported below: 756 F. 3d 1366.

No. 14–443. Clayton *v.* Niska et al. Ct. App. Minn. Certiorari denied.

No. 14–456. Alvarez *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 522.

No. 14–485. Hillside Metro Associates, LLC *v.* JPMorgan Chase Bank, N. A., et al. C. A. 2d Cir. Certiorari denied. Reported below: 747 F. 3d 44.

No. 14–487. Rawlings Co., LLC, et al. *v.* Wurtz et al. C. A. 2d Cir. Certiorari denied. Reported below: 761 F. 3d 232.

No. 14–491. PAC Anchor Transportation, Inc., et al. *v.* California ex rel. Harris, Attorney General of California. Sup. Ct. Cal. Certiorari denied. Reported below: 59 Cal. 4th 772, 329 P. 3d 180.

No. 14–512. General Cigar Co., Inc. *v.* Empresa Cubana del Tabaco, dba Cubatabaco. C. A. Fed. Cir. Certiorari denied. Reported below: 753 F. 3d 1270.

No. 14–516. Consumer Watchdog *v.* Wisconsin Alumni Research Foundation. C. A. Fed. Cir. Certiorari denied. Reported below: 753 F. 3d 1258.

No. 14–528. Las Vegas Metropolitan Police Department et al. *v.* Rodriguez Sandoval et al. C. A. 9th Cir. Certiorari denied. Reported below: 756 F. 3d 1154.

No. 14–537. Burgess *v.* Town of Wallingford, Connecticut, et al. C. A. 2d Cir. Certiorari denied. Reported below: 569 Fed. Appx. 21.

No. 14–541. McGee *v.* United States. C. A. 3d Cir. Certiorari denied. Reported below: 763 F. 3d 304.

No. 14–551. Holmes *v.* Colorado Coalition for the Homeless Long Term Disability Plan. C. A. 10th Cir. Certiorari denied. Reported below: 762 F. 3d 1195.

No. 14–554. Medical Association of Georgia et al. *v.* WellPoint, Inc. C. A. 11th Cir. Certiorari denied. Reported below: 756 F. 3d 1222.

No. 14–557. Communications Workers of America, AFL–CIO, et al. *v.* Windstream Corp. et al. C. A. 8th Cir. Certiorari denied. Reported below: 757 F. 3d 798.

No. 14–576. AmFin Financial Corp. et al. *v.* Federal Deposit Insurance Corporation, as Receiver of AmTrust Bank. C. A. 6th Cir. Certiorari denied. Reported below: 757 F. 3d 530.

No. 14–585. Kagan et al. *v.* City of New Orleans, Louisiana. C. A. 5th Cir. Certiorari denied. Reported below: 753 F. 3d 560.

No. 14–597. McClendon *v.* Springfield. C. A. 5th Cir. Certiorari denied. Reported below: 765 F. 3d 501.

No. 14–605. Kitko *v.* Young et al. C. A. 3d Cir. Certiorari denied. Reported below: 575 Fed. Appx. 21.

No. 14–608. Lewis et al. *v.* Pine Belt Multipurpose Community Action Acquisition Agency, Inc., et al. Ct. App. La., 2d Cir. Certiorari denied. Reported below: 48,827 (La. App. 2 Cir. 4/9/14), 138 So. 3d 776.

No. 14–611. Transport Services Company of Illinois et al. *v.* Smith et al. Sup. Ct. La. Certiorari denied. Reported below: 2013–2788 (La. 7/1/14), 148 So. 3d 903.

No. 14–612. V. S. T. *v.* R. W. et al. Ct. Civ. App. Ala. Certiorari denied. Reported below: 187 So. 3d 816.

No. 14–616. Navellier et al. *v.* Town of Manalapan, Florida. Sup. Ct. Fla. Certiorari denied. Reported below: 148 So. 3d 772.

No. 14–619. Zoll Lifecor Corp. *v.* Philips Electronics North America Corp. et al. C. A. Fed. Cir. Certiorari denied. Reported below: 577 Fed. Appx. 991.

No. 14–626. McLaughlin *v.* Board of Trustees of the National Elevator Industry Health Benefit Plan. C. A. 3d Cir. Certiorari denied. Reported below: 590 Fed. Appx. 154.

No. 14–638. Houssels et al. *v.* Pennsylvania. Sup. Ct. Pa. Certiorari denied. Reported below: 626 Pa. 124, 95 A. 3d 822.

No. 14–644. Willis *v.* Virginia et al. Sup. Ct. Va. Certiorari denied.

No. 14–645. Taylor *v.* Kelley et al. C. A. 6th Cir. Certiorari denied.

No. 14–648. Estrada, as Guardian and Next Friend for J. E. *v.* San Antonio Independent School District. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 541.

No. 14–649. Cronin *v.* United States. C. A. Fed. Cir. Certiorari denied. Reported below: 765 F. 3d 1331.

No. 14–657. Detroit International Bridge Co. *v.* Nadeau, Acting Administrator, Federal Highway Administration, et al. C. A. 6th Cir. Certiorari denied. Reported below: 756 F. 3d 447.

No. 14–662. Shone et al. *v.* Ferrari North America, Inc., et al. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 14–665. Gatzaros et al. *v.* Sault Ste. Marie Tribe of Chippewa Indians et al. C. A. 6th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 549.

No. 14–666. Gray *v.* City of New York, New York, et al. C. A. 2d Cir. Certiorari denied.

No. 14–669. Rivas *v.* Holder, Attorney General. C. A. 11th Cir. Certiorari denied. Reported below: 765 F. 3d 1324.

No. 14–670. Blair *v.* Metropolitan Life Insurance Co. C. A. 11th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 827.

No. 14–671. Weissman *v.* Weissman et al. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 116 App. Div. 3d 848, 985 N. Y. S. 2d 93.

No. 14–680. White *v.* Deloitte & Touche et al. C. A. 9th Cir. Certiorari denied. Reported below: 553 Fed. Appx. 754.

No. 14–683. Aipperspach, as Personal Representative of the Estate of Al-Hakim, Deceased *v.* McInerney, Board President, Kansas City Board of Police Commissioners, et al. C. A. 8th Cir. Certiorari denied. Reported below: 766 F. 3d 803.

No. 14–684. SnoWizard, Inc., et al. *v.* Southern Snow Manufacturing Co., Inc., et al.; and

No. 14–742. Southern Snow Manufacturing Co., Inc., et al. *v.* SnoWizard, Inc., et al. C. A. Fed. Cir. Certiorari denied. Reported below: 567 Fed. Appx. 945.

No. 14–686. Special Industries, Inc. *v.* Zamil Group Holding Co. et al. C. A. 5th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 325.

No. 14–690. SMITH *v.* PSYCHIATRIC SOLUTIONS, INC., ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 750 F. 3d 1253.

No. 14–691. HAHN ET AL. *v.* WALSH ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 762 F. 3d 617.

No. 14–692. HO KEUNG TSE *v.* GOOGLE, INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 570 Fed. Appx. 941.

No. 14–693. VIMONT *v.* HAUGEN ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 634.

No. 14–695. SMITH *v.* UNITED CHURCH OF CHRIST ET AL. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 14–697. WILLIAMS *v.* FEDERAL GRIEVANCE COMMITTEE. C. A. 2d Cir. Certiorari denied. Reported below: 743 F. 3d 28.

No. 14–706. CRANE CO. *v.* WOOD. C. A. 4th Cir. Certiorari denied. Reported below: 764 F. 3d 316.

No. 14–712. WOODWARD *v.* FLORIDA. Cir. Ct. Brevard County, Fla. Certiorari denied.

No. 14–713. BOSWELL *v.* TEXAS. Ct. App. Tex., 11th Dist. Certiorari denied.

No. 14–715. KORMAN *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied.

No. 14–716. NICAJ *v.* SHOE CARNIVAL, INC. C. A. 7th Cir. Certiorari denied. Reported below: 768 F. 3d 622.

No. 14–718. U. S. BANK N. A., LITIGATION TRUSTEE OF IDEARC, INC., ET AL., LITIGATION TRUST *v.* VERIZON COMMUNICATIONS, INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 761 F. 3d 409.

No. 14–719. AGRAWAL *v.* MONTMAGNO ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 570.

No. 14–724. JOHNSON *v.* CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF HEALTH. C. A. 9th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 528.

No. 14–725. BELL *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. 4th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 42.

No. 14–726. BODINE *v.* ARIZONA ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 551 Fed. Appx. 358.

No. 14–727. SHAC, LLC, DBA SAPPHIRE, ET AL. *v.* NEVADA DEPARTMENT OF TAXATION ET AL. Sup. Ct. Nev. Certiorari denied. Reported below: 130 Nev. 719, 334 P. 3d 392.

No. 14–729. WALKER *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 14–732. ASAP COPY AND PRINT ET AL. *v.* CANON BUSINESS SOLUTIONS, INC., ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 14–733. SALAZAR *v.* SANDERS ET AL. Ct. App. Tex., 8th Dist. Certiorari denied. Reported below: 440 S. W. 3d 863.

No. 14–734. PAIGE *v.* NORRIS, INTERIM DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 14–735. MCDONALD *v.* HP PRODUCTION INC. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 14–737. FORD *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. 9th Cir. Certiorari denied. Reported below: 538 Fed. Appx. 803.

No. 14–738. FITZPATRICK ET UX. *v.* TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES. Ct. App. Tenn. Certiorari denied.

No. 14–739. BRITTON ET UX. *v.* FEDERAL HOME LOAN MORTGAGE CORPORATION ET AL. Sup. Ct. Va. Certiorari denied.

No. 14–743. G & C LAND *v.* FARMLAND MANAGEMENT SERVICES. C. A. 5th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 99.

No. 14–744. K/S HIMPP *v.* HEAR-WEAR TECHNOLOGIES, LLC. C. A. Fed. Cir. Certiorari denied. Reported below: 751 F. 3d 1362.

No. 14–752. GUNKLE ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. Reported below: 753 F. 3d 502.

No. 14–755. LOWERY CARNIVAL CO., INC. *v.* MOSER RIDES, S. R. L. Ct. App. La., 2d Cir. Certiorari denied. Reported below: 48,827 (La. App. 2 Cir. 4/9/14), 138 So. 3d 776.

No. 14–758. TARANSKY *v.* BURWELL, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 760 F. 3d 307.

No. 14–759. ETCHEBER *v.* FEDERAL BUREAU OF INVESTIGATION ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 271.

No. 14–760. MCPHERSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 556.

No. 14–763. BROCK *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 138 So. 3d 1060.

No. 14–773. PIERSON *v.* ROGOW ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–776. DAWSON *v.* ANDERSON COUNTY, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 369.

No. 14–784. JOSEPH *v.* STATE BAR OF CALIFORNIA. C. A. 9th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 302.

No. 14–785. KELMAR *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–786. PHIPPS GROUP *v.* DOWNING ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 764 F. 3d 864.

No. 14–794. DAOUD *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 755 F. 3d 479.

No. 14–796. FARRIS ET AL. *v.* RANADE ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 887.

No. 14–797. HYSHAW *v.* SAINT FRANCIS MEDICAL CENTER MEDICAL EXECUTIVE COMMITTEE ET AL. Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

No. 14–802. HATCHIGIAN *v.* STATE FARM INSURANCE CO. C. A. 3d Cir. Certiorari denied. Reported below: 574 Fed. Appx. 103.

No. 14–805. ROOF *v.* BUSH, TEXAS LAND COMMISSIONER. Sup. Ct. Tex. Certiorari denied.

No. 14–813. HALE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 762 F. 3d 1214.

No. 14–817. GOLDMAN PHIPPS, PLLC, ET AL. *v.* DOWNING ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 764 F. 3d 906.

No. 14–820. VANCE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 764 F. 3d 667.

No. 14–827. MIEZIN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 586 Fed. Appx. 197.

No. 14–830. SHAH *v.* MOTORS LIQUIDATION COMPANY GUC TRUST. C. A. 2d Cir. Certiorari denied. Reported below: 566 Fed. Appx. 87.

No. 14–867. BRUTEYN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–873. PARIS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 578 Fed. Appx. 146.

No. 14–881. JENTZ ET AL. *v.* CONAGRA FOODS, INC.; and
No. 14–899. BECKER ET UX. *v.* CONAGRA FOODS, INC. C. A. 7th Cir. Certiorari denied. Reported below: 767 F. 3d 688.

No. 14–889. CITY OF SONORA, CALIFORNIA, ET AL. *v.* C. B., A MINOR. C. A. 9th Cir. Certiorari denied. Reported below: 769 F. 3d 1005.

No. 14–905. SUN LIFE ASSURANCE COMPANY OF CANADA *v.* GROSS. C. A. 1st Cir. Certiorari denied. Reported below: 763 F. 3d 73.

No. 14–5991. SANGSTER *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–6145. KELLER *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. Reported below: 138 So. 3d 817.

No. 14–6184. RIVAS-BARRERA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 744.

No. 14–6319. MORETTI *v.* WYETH, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 563.

No. 14–6394. MALLOY *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 93 A. 3d 495.

No. 14–6749. SOLER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 759 F. 3d 226.

No. 14–6762. WALLACE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 753 F. 3d 671.

No. 14–6800. LOI TAN VO *v.* CALIFORNIA; and
No. 14–6898. HAJEK *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 58 Cal. 4th 1144, 324 P. 3d 88.

No. 14–6882. MAXWELL *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 139 Ohio St. 3d 12, 2014-Ohio-1019, 9 N. E. 3d 930.

No. 14–6894. TURNER *v.* LOWDEN ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 559 Fed. Appx. 227.

No. 14–6960. M. J. *v.* WASHINGTON UNIVERSITY IN ST. LOUIS PHYSICIANS ET AL. C. A. 8th Cir. Certiorari denied.

No. 14–6965. PATTERSON *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 625 Pa. 104, 91 A. 3d 55.

No. 14–6992. CRUTSINGER *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 422.

No. 14–7051. COLLINGS *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied. Reported below: 450 S. W. 3d 741.

No. 14–7056. MANDELL ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 752 F. 3d 544.

No. 14–7066. J. B., A MINOR, BY AND THROUGH HIS MOTHER AND NEXT FRIEND, BROWN *v.* AMERSON ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 519 Fed. Appx. 613.

No. 14–7133. BROWN *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 59 Cal. 4th 86, 326 P. 3d 188.

No. 14–7244. SHAO *v.* TSAN-KUEN WANG. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 14–7246. CALHOUN *v.* BOOKER, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 769 F. 3d 409.

No. 14–7249. BRICENO *v.* BARNES, ACTING WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–7253. BUTSCH *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied.

No. 14–7255. TAYLOR *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 14 N. E. 3d 136.

No. 14–7268. GARZA *v.* ARIZONA. Super. Ct. Ariz., County of Maricopa. Certiorari denied.

No. 14–7271. ZINK *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied.

No. 14–7274. POLK *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 130 Nev. 1231.

No. 14–7277. WILLIAMS *v.* TRAQUINA ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 687.

No. 14–7278. ROBERTS *v.* NIXON, GOVERNOR OF MISSOURI. C. A. 8th Cir. Certiorari denied.

No. 14–7281. WHITESIDE *v.* MORGAN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7283. OKOH *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 215.

No. 14–7290. HUBBARD *v.* LEWIS. C. A. 9th Cir. Certiorari denied.

No. 14–7293. WILCOX *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 143 So. 3d 359.

No. 14–7295. FRAZIER *v.* RAEMISCH, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 543 Fed. Appx. 799.

No. 14–7302. HURSEY *v.* KLINESMITH ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–7304. LING LI *v.* ASPHALT GREEN, INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 581 Fed. Appx. 6.

No. 14–7309. GLADDEN *v.* BLOUNT COUNTY, ALABAMA, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7315. WALIA *v.* KARCIOGLU ET AL. C. A. 2d Cir. Certiorari denied.

No. 14–7320. ALEKSEY *v.* SOUTH CAROLINA. Ct. Common Pleas of Orangeburg County, S. C. Certiorari denied.

No. 14–7322. BLAKE *v.* PERRITT, SUPERINTENDENT, LUMBERTON CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 61.

No. 14–7328. CARTER *v.* UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–7336. MUHAMMAD *v.* LUZERNE COUNTY CHILDREN AND YOUTH SERVICES ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 575 Fed. Appx. 33.

No. 14–7337. ADAMS *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 140 So. 3d 1147.

No. 14–7340. LUCKETT *v.* HEIDORN ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 516.

No. 14–7344. WRIGHT *v.* WASHBURN, WARDEN, ET AL. Super. Ct. Ware County, Ga. Certiorari denied.

No. 14–7353. RAMIREZ *v.* FRAUENHEIM, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7355. AMIR-SHARIF *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–7356. BENCHOFF *v.* FOGAL ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 576 Fed. Appx. 117.

No. 14–7358. GORDON *v.* PLILER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 657.

No. 14–7359. Luis Ornelas *v.* Sandor, Warden. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 763.

No. 14–7360. Ponte *v.* FIA Card Services, N. A. Ct. App. Mich. Certiorari denied.

No. 14–7361. Ponte *v.* Shermeta Adams & Von Allmen PC et al. Ct. App. Mich. Certiorari denied.

No. 14–7362. James *v.* Rathman, Warden. C. A. 9th Cir. Certiorari denied.

No. 14–7363. Lewis *v.* California. Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

No. 14–7365. Phillips et al. *v.* Greyhound Lines, Inc. C. A. 9th Cir. Certiorari denied.

No. 14–7366. R. N. et al. *v.* Lancaster County Children and Youth Services et al. Sup. Ct. Pa. Certiorari denied.

No. 14–7368. Scott *v.* McDowell, Warden. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 726.

No. 14–7369. Ford *v.* Surprise Family Urgent Care Center, LLC, et al. C. A. 9th Cir. Certiorari denied. Reported below: 550 Fed. Appx. 467.

No. 14–7371. Clark *v.* Wells Fargo Bank et al. C. A. 3d Cir. Certiorari denied. Reported below: 585 Fed. Appx. 817.

No. 14–7378. Calderon *v.* Evergreen Owners, Inc., et al. C. A. 2d Cir. Certiorari denied.

No. 14–7379. Rolle *v.* Educational Bus Transportation, Inc. C. A. 2d Cir. Certiorari denied.

No. 14–7382. Hiramanek *v.* Hiramanek. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 14–7383. Ilaw *v.* Daughters of Charity Health System, Inc. C. A. 9th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 572.

No. 14–7388. Parks *v.* James et al. C. A. 9th Cir. Certiorari denied.

No. 14–7389. Napper *v.* Georgia. Sup. Ct. Ga. Certiorari denied.

No. 14–7391. ATENCIO *v.* MCDOWELL, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7393. STATEN *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–7394. KON *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 14–7396. WALLACE *v.* YOUNG, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 203.

No. 14–7397. TALLEY *v.* FRIEL ET AL. C. A. 7th Cir. Certiorari denied.

No. 14–7402. ROSS *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied.

No. 14–7404. LUCAS, TRUSTEE, ROBERT LUCAS FAMILY TRUST *v.* CITIMORTGAGE, INC. C. A. 4th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 187.

No. 14–7409. READ *v.* DEUTSCHE BANK NATIONAL TRUST CO. App. Div., Super. Ct. Cal., County of Santa Barbara. Certiorari denied.

No. 14–7412. SEDILLO *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 14–7413. PENDLETON *v.* WINGARD. Sup. Ct. Pa. Certiorari denied.

No. 14–7414. CARVALE *v.* PROBUILDERS SPECIALTY INSURANCE CO., RRG. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 14–7416. ELCOCK *v.* DAVIDSON ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 519.

No. 14–7419. BALLARD *v.* BANK OF AMERICA, N. A. C. A. 4th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 226.

No. 14–7421. COUVINGTON *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 161.

No. 14–7422. CARTER *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 14–7424. TAYLOR *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–7428. SHOEMAKER *v.* SMITH ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7430. MCKINNON *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7431. SHEA *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 128 So. 3d 131.

No. 14–7434. MURPHY *v.* MISSOURI BOARD OF PROBATION AND PAROLE ET AL. C. A. 8th Cir. Certiorari denied.

No. 14–7436. WASHINGTON *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 299.

No. 14–7442. THOMAS *v.* ORANGE COUNTY, NORTH CAROLINA. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 45.

No. 14–7455. WILLIAMS ET AL. *v.* DECKER ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 767 F. 3d 734.

No. 14–7459. JORDAN *v.* LEVINE ET AL. Ct. App. N. Y. Certiorari denied. Reported below: 24 N. Y. 3d 930, 17 N. E. 3d 1138.

No. 14–7460. LINTON *v.* HOLDER, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 810.

No. 14–7468. PARKER *v.* TATUM, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 14–7470. MCCUTCHEON *v.* FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 14–7471. BYRD *v.* MCKEE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7473. CHHIM *v.* UNIVERSITY OF HOUSTON. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 406.

No. 14–7474. DUARTE *v.* BARNES, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7478. CHAPPELL *v.* MORGAN, WARDEN. Sup. Ct. Ohio. Certiorari denied. Reported below: 141 Ohio St. 3d 16, 2014-Ohio-4035, 21 N. E. 3d 273.

No. 14–7479. ROUNDTREE *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–7482. SIMMONS *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 189.

No. 14–7483. SMITH *v.* STEVENSON, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 260.

No. 14–7484. LOPEZ *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 14–7488. AGUILAR *v.* DUCART, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7490. WILLIAMS *v.* LESTER ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 268.

No. 14–7494. WOODS *v.* PASH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 14–7496. JONES *v.* HUMPHREY, WARDEN. Super. Ct. Butts County, Ga. Certiorari denied.

No. 14–7497. ALI-AKBAR, AKA JONES *v.* MCDONALD ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–7498. BLACKFORD *v.* OREGON BOARD OF PAROLE AND POST-PRISON SUPERVISION. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 756.

No. 14–7499. ANDERSON *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 752 F. 3d 881.

No. 14–7507. MCKINNEY *v.* GEORGIA. Ct. App. Ga. Certiorari denied. Reported below: 326 Ga. App. 753, 755 S. E. 2d 315.

No. 14–7508. ROBINSON *v.* DISTRICT ATTORNEY OF PHILADELPHIA COUNTY ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–7513. SMITH *v.* LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 319.

No. 14–7516. PELUMI *v.* GATEWAY HEALTHCARE ET AL. C. A. 1st Cir. Certiorari denied.

No. 14–7520. EVERETT *v.* BARROW, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 14–7521. DRAGO *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7523. CUMMINGS *v.* BURT, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7524. MARSHALL *v.* MCCOLLUM, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 831.

No. 14–7526. MCALPIN *v.* KIRKEGARD, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–7527. STOVALL *v.* SELLERS, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 14–7530. HUGHES, MOTHER AND ADMINISTRATRIX OF THE ESTATE OF HUGHES *v.* KIA MOTORS CORP. ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 766 F. 3d 1317.

No. 14–7531. SIMS *v.* BROWN, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL INSTITUTION. Ct. App. Ind. Certiorari denied.

No. 14–7533. MAYS *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 2. Certiorari denied.

No. 14–7534. WARREN *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 778.

No. 14–7535. DOE *v.* PATTON, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 762 F. 3d 1174.

No. 14–7538. RANGEL *v.* RIOS ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–7543. WHITE *v.* MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. C. A. 6th Cir. Certiorari denied.

No. 14–7545. RAMOS *v.* FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 845.

No. 14–7546. JOHNSON *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 14–7550. SCOTT *v.* ARKANSAS DEPARTMENT OF CORRECTION ET AL. C. A. 8th Cir. Certiorari denied.

No. 14–7552. CHHIM *v.* ALDINE INDEPENDENT SCHOOL DISTRICT. C. A. 5th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 303.

No. 14–7555. MARLOW *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 14–7556. KIRKSEY *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 184 So. 3d 465.

No. 14–7558. MCGOUGH *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7559. MURRAY *v.* TEXAS. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 14–7564. TORRES *v.* REYBOLD HOMES, INC. Sup. Ct. Del. Certiorari denied. Reported below: 103 A. 3d 515.

No. 14–7568. LENIUS *v.* BUTLER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–7570. WASHINGTON *v.* ALFARO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7571. THOMAS *v.* DUNCAN, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–7572. WRIGHT *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 151 So. 3d 1231.

No. 14–7574. ESCOBEDO *v.* LUND, SUPERINTENDENT, CLARINDA CORRECTIONAL FACILITY. C. A. 8th Cir. Certiorari denied. Reported below: 760 F. 3d 863.

No. 14–7578. ANDERSON *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 122622–U.

No. 14–7579. ROURK *v.* FLORIDA (two judgments). Sup. Ct. Fla. Certiorari denied. Reported below: 148 So. 3d 772 (both judgments).

No. 14–7581. BOYCE *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 59 Cal. 4th 672, 330 P. 3d 812.

No. 14–7584. WIDEMAN *v.* THOMAS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7585. FREELAND *v.* TENNESSEE. Sup. Ct. Tenn. Certiorari denied. Reported below: 451 S. W. 3d 791.

No. 14–7588. MCCROSKEY *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 105.

No. 14–7589. KIM THUL OUK *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 847 N. W. 2d 698.

No. 14–7591. LEVY *v.* TEXAS. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 14–7592. KENDRICK *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 14–7594. EBELING *v.* SMITH, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 814.

No. 14–7595. GONZALEZ *v.* KENNEY, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES. C. A. 8th Cir. Certiorari denied.

No. 14–7598. HILL *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 805.

No. 14–7599. RODGERS *v.* PERKINS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 271.

No. 14–7602. ISHUTKINA *v.* MCGUIRE WOODS LLP. C. A. 2d Cir. Certiorari denied.

No. 14–7603. HOWARD *v.* OUTLAW, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 14–7604. FAIRCHILD *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7606. STRAUSBAUGH *v.* GREEN TREE SERVICING, LLC. Super. Ct. Pa. Certiorari denied. Reported below: 97 A. 3d 816.

No. 14–7607. ROBINSON *v.* KINGS COUNTY DISTRICT ATTORNEY'S OFFICE ET AL. C. A. 2d Cir. Certiorari denied.

No. 14–7608. PEW *v.* GLUNT, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–7609. MCARTHUR *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2014 Ark. 367, 439 S. W. 3d 681.

No. 14–7610. MILLER ET AL. *v.* DEUTSCHE BANK NATIONAL TRUST CO. C. A. 10th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 849.

No. 14–7611. MARTIN *v.* MEDEIROS, ACTING SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK. C. A. 1st Cir. Certiorari denied.

No. 14–7614. HILL *v.* ROBINSON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7615. IVY *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 14–7616. IVEY *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 14–7620. RAMSEY *v.* BROWN, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 14–7621. SEVIER *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7623. REESE *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 113003–U.

No. 14–7625. FINLEY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–7627. STEWART *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–7628. GIDDENS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 959.

No. 14–7629. HAGAN *v.* KENTUCKY. Ct. App. Ky. Certiorari denied.

No. 14–7632. FARROW *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 158.

No. 14–7633. HORNER *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 148 So. 3d 770.

No. 14–7634. FRAZIER *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7635. GREENFIELD *v.* DEUTSCHE BANK AG ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 455.

No. 14–7636. HOWARD *v.* TANNER, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 14–7638. HICKS *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 295 Ga. 268, 759 S. E. 2d 509.

No. 14–7639. GREENHALGH *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied. Reported below: 139 So. 3d 297.

No. 14–7640. HARRIS *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 133 So. 3d 935.

No. 14–7641. GARZA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7645. WATTS *v.* SOUTH CAROLINA. Sup. Ct. S. C. Certiorari denied.

No. 14–7646. TUDUJ *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 092536, 9 N. E. 3d 8.

No. 14–7647. COLLINS *v.* UNITED STATES; and
No. 14–7771. TOMLINSON *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 75 A. 3d 296.

No. 14–7649. FARMER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 245.

No. 14–7658. WHITE *v.* NEVEN, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 821.

No. 14–7659. NGUYEN VU *v.* EVERS. Sup. Ct. Pa. Certiorari denied.

No. 14–7660. HERRADA-GONZALEZ *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 130 Nev. 1188.

No. 14–7661. GAINES *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 14–7667. ORTIZ-GRAULAU *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 756 F. 3d 12.

No. 14–7668. MASSIE *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 150 So. 3d 1172.

No. 14–7669. JONES *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 14–7670. COMER *v.* MORGAN, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 534.

No. 14–7671. DOUGLAS *v.* MITCHELL, SUPERINTENDENT, DEER FIELD MEN'S WORK CENTER. C. A. 4th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 155.

No. 14–7672. CASWELL *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 85 Mass. App. 463, 11 N. E. 3d 136.

No. 14–7675. MARTINEZ CASTILLO *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 826.

No. 14–7679. ADAMS *v.* OREGON. C. A. 9th Cir. Certiorari denied.

No. 14–7681. COATES, AKA SIMMONS, AKA THOMAS *v.* HOLDER, ATTORNEY GENERAL. C. A. 3d Cir. Certiorari denied.

No. 14–7682. DYKSTRA *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7684. DUHART *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7686. POUYEH *v.* BASCOM PALMER EYE INSTITUTE ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7689. PHILLIPS *v.* ILLINOIS. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2014 IL App (4th) 120695, 14 N. E. 3d 1.

No. 14–7690. WRIGHT *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 104 A. 3d 41.

No. 14–7692. TERRELL *v.* GOWER ET AL. Sup. Ct. Ga. Certiorari denied.

No. 14–7693. DAUTOVIC *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 763 F. 3d 927.

No. 14–7694. MORISSETTE *v.* ADAMS ET AL. C. A. 7th Cir. Certiorari denied.

No. 14–7695. PATTERSON *v.* RADER, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 14–7696. ORTEGA *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 14–7698. LAMBARDO *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 601.

No. 14–7700. BROWN *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 112604–U.

No. 14–7702. VAUGHAN *v.* SETTER, SUPERINTENDENT, MINNESOTA BUREAU OF CRIMINAL APPREHENSION. Ct. App. Minn. Certiorari denied.

No. 14–7703. TOWNSEND *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 762 F. 3d 641.

No. 14–7705. JONES *v.* DOWD ET AL. C. A. 8th Cir. Certiorari denied.

No. 14–7706. SMITH *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 150 So. 3d 1176.

No. 14–7708. SUBASIC *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 234.

No. 14–7709. WASHINGTON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–7710. CARR *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 226.

No. 14–7712. MAHAN *v.* BUNTING, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7713. MATIAS *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 14–7716. ALI *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–7719. MIDDLETON *v.* MISSOURI. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 437 S. W. 3d 244.

No. 14–7721. COLEY *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 180 Wash. 2d 543, 326 P. 3d 702.

No. 14–7730. ROSALES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 258.

No. 14–7734. PRICE *v.* BURWELL, SECRETARY OF HEALTH AND HUMAN SERVICES. C. A. Fed. Cir. Certiorari denied. Reported below: 565 Fed. Appx. 891.

No. 14–7735. PORTILLO-MEZA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 376.

No. 14–7736. DAVIS *v.* CARTLEDGE, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 215.

No. 14–7740. FLORES *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–7741. HERNANDEZ-ALVAREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 785.

No. 14–7744. HOWARD *v.* BUTLER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–7750. JONES ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 729.

No. 14–7751. KRONENBERGER *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 110231, 7 N. E. 3d 769.

No. 14–7753. WILLIAMS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–7754. HOWELL *v.* BUCKEYE RANCH, INC., ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–7758. HUSTEN *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 14–7761. WALTERS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 988.

No. 14–7762. TRENT *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 767 F. 3d 1046.

No. 14–7763. MACIAS-FUENTES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 437.

No. 14–7764. JOSEPH G. *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 14–7765. BURGEST *v.* CARAWAY, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–7768. BREEDLOVE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 454.

No. 14–7774. JOHNSON *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 14–7779. MCCABE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 680.

No. 14–7781. LORDMASTER, FKA GOLDADER *v.* HINKLE ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 42.

No. 14–7784. PERRY *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 578 Fed. Appx. 985.

No. 14–7788. HINTON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 535 Fed. Appx. 528.

No. 14–7794. FLUDD *v.* LAVALLEY. C. A. 2d Cir. Certiorari denied.

No. 14–7797. SARARO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 983.

No. 14–7798. RUIZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 430.

No. 14–7799. ANGEL SERRANO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 729.

No. 14–7800. STEELE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 453.

No. 14–7803. HINOJOSA *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 534 Fed. Appx. 468.

No. 14–7805. GRANDA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7808. FOFANAH *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 765 F. 3d 141.

No. 14–7809. GORDON *v.* SANDERS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7812. ANDERSON *v.* SEMPLE, INTERIM COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION. Sup. Ct. Conn. Certiorari denied. Reported below: 313 Conn. 360, 98 A. 3d 23.

No. 14–7814. MATHIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 767 F. 3d 1264.

No. 14–7815. MONCADA-DELAROSA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 493.

No. 14–7816. URIBE-NAVA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 483.

No. 14–7817. KOSS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 769 F. 3d 558.

No. 14–7818. KATZIN ET AL. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 769 F. 3d 163.

No. 14–7822. DONALDSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 558 Fed. Appx. 962.

No. 14–7823. DAVILA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–7827. REVELS *v.* CONNECTICUT. Sup. Ct. Conn. Certiorari denied. Reported below: 313 Conn. 762, 99 A. 3d 1130.

No. 14–7828. HERNANDEZ-SAMARIO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–7833. LEACH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 270.

No. 14–7837. EVANS *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 105 A. 3d 42.

No. 14–7839. KING *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–7843. VASQUEZ, AKA VAZQUEZ, AKA ECHEVERRIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 766 F. 3d 373.

No. 14–7844. MARTINEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7846. OBREGON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7847. RIDEOUT *v.* KOSTER, ATTORNEY GENERAL OF MISSOURI, ET AL. Ct. App. Mo., Southern Dist. Certiorari denied. Reported below: 439 S. W. 3d 772.

No. 14–7849. BURNS, AKA BARNES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 298.

No. 14–7851. AYALA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 498.

No. 14–7856. VICE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–7857. THORNE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 125.

No. 14–7858. WEIR *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 300.

No. 14–7860. YASSINE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 305.

No. 14–7862. BARNES *v.* DISTRICT OF COLUMBIA. Ct. App. D. C. Certiorari denied. Reported below: 102 A. 3d 1152.

No. 14–7863. CONTI *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 86 Mass. App. 1106, 12 N. E. 3d 1052.

No. 14–7867. CALANDRELI *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–7869. JUSTICE *v.* HOBGOOD. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 196.

No. 14–7871. YARN *v.* HALL, CORRECTIONAL SUPERINTENDENT, HYDE CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 252.

No. 14–7872. SPIES, AKA SOLOMONYAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 586 Fed. Appx. 777.

No. 14–7878. BUCKINGHAM *v.* GRANDLIENARD, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 14–7882. PLATTEN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–7885. MARIANO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–7886. LAMOTHE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 586 Fed. Appx. 550.

No. 14–7888. CRESPIN SANCHEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 532.

No. 14–7889. LOPEZ-MATA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 527.

No. 14–7890. RAMOS-SANCHEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 878.

No. 14–7892. BALLARD *v.* JOHNS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 214.

No. 14–7897. LUNDBERG *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 149 So. 3d 1126.

No. 14–7898. JOSEPH *v.* WISCONSIN. Ct. App. Wis. Certiorari denied. Reported below: 2014 WI App 83, 355 Wis. 2d 578, 851 N. W. 2d 471.

No. 14–7900. MARTINEZ QUINONES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–7904. WILSON *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2014 Ark. 273.

No. 14–7905. WEISINGER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 586 Fed. Appx. 733.

No. 14–7906. STEVENS *v.* HASTINGS, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 731.

No. 14–7907. OWINGS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 376.

No. 14–7911. BOGGS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 130.

No. 14–7914. EDWARDS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–7917. NORTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 158.

No. 14–7918. CARTER *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 14–7920. MANDULEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 1001.

No. 14–7921. RICHARDSON *v.* QUARLES, JUDGE, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND.

C. A. 4th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 214.

No. 14–7922. SPEIGHT *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 554 Fed. Appx. 119.

No. 14–7924. MILLIS *v.* CROSS, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 14–7926. RIVERA-OSORIO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–7927. PERRY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 238.

No. 14–7931. STANG *v.* UNITED STATES ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 772.

No. 14–7932. BARRETT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 14–7933. BENNETT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 765 F. 3d 887.

No. 14–7935. VAZQUEZ-RAMIREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 429.

No. 14–7936. VALLE-MANJARREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 437.

No. 14–7938. MOORE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 769 F. 3d 264.

No. 14–7940. RECKER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 644.

No. 14–7941. COX *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 553 Fed. Appx. 123.

No. 14–7943. SECATERO *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 14–7945. SEELEY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 574 Fed. Appx. 75.

No. 14–7947. BIGGS *v.* JONES, ACTING WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7948. DAVIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 863.

No. 14–7950. TEERS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 591 Fed. Appx. 824.

No. 14–7952. MARKS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 768 F. 3d 1215.

No. 14–7953. MARSHALL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 926.

No. 14–7957. SIMMONS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–7961. GARCIA-VELASQUEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–7963. VALLONE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 752 F. 3d 690.

No. 14–7966. TRUDEAU *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 14–7968. HARRIS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 465.

No. 14–7970. AXSOM *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 761 F. 3d 895.

No. 14–7972. HERMAN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 493.

No. 14–7973. HURTADO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 760 F. 3d 1065.

No. 14–7976. FORTE *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 103 A. 3d 204.

No. 14–7979. COX *v.* MCEWEN, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 759.

No. 14–7980. FREEMAN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 763 F. 3d 322.

No. 14–7982. JONES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 758 F. 3d 579.

No. 14–7983. LOPEZ *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 14–7984. STEWART *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 848.

No. 14–7987. BRYANT *v.* UNITED STATES;
No. 14–8029. MACK *v.* UNITED STATES; and
No. 14–8049. MCCLENDON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 910.

No. 14–7989. LIGON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 580 Fed. Appx. 91.

No. 14–7991. GONZALEZ-MEZA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 864.

No. 14–7995. SYKES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 875.

No. 14–7997. PARKS *v.* JORDAN. C. A. 3d Cir. Certiorari denied. Reported below: 573 Fed. Appx. 233.

No. 14–8001. GREEN *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 85 A. 3d 105.

No. 14–8007. BRUNE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 767 F. 3d 1009.

No. 14–8010. SHEPHERD *v.* MOHR ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–8014. ZAKY *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 576 Fed. Appx. 50.

No. 14–8016. YAMBA *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 596 Fed. Appx. 46.

No. 14–8017. MACHADO-SANCHEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 784.

No. 14–8019. KLEIN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–8025. WHITTIER *v.* UTTECHT, SUPERINTENDENT, COYOTE RIDGE CORRECTIONS CENTER. C. A. 9th Cir. Certiorari denied.

No. 14–8026. WILLIAMSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 338.

No. 14–8027. WHITTLEY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 14–8030. ORTIZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 312.

No. 14–8031. LOUCHART *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 492.

No. 14–8034. LEGALL, AKA GATLING *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 4.

No. 14–8038. PATTERSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 589 Fed. Appx. 637.

No. 14–8040. ANDRADE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 644.

No. 14–8042. AREYANES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 55.

No. 14–8044. CURTIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 57.

No. 14–8045. WATKINS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 157.

No. 14–8050. MEDINA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 428.

No. 14–8051. PEREZ-LOPEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 340.

No. 14–8053. DUSHANE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–8055. MARQUEZ-GATICA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 349.

No. 14–8058. RIVERS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 905.

No. 14–8059. SAWYER ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 751.

No. 14–8062. ARRINGTON *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 96 A. 3d 1.

No. 14–8069. LANE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 246.

No. 14–8070. JOHNSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 560 Fed. Appx. 647.

No. 14–8072. ARAUJO-VELARDE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 790.

No. 14–8074. MARTINEZ *v.* BABCOCK, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–8075. VILLANOVA-DELGADO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–8076. PRESTON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 495.

No. 14–8077. YOUNG *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 766 F. 3d 621.

No. 14–8078. VINEY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 581 Fed. Appx. 158.

No. 14–8079. DUHART *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 556 Fed. Appx. 897.

No. 14–8093. OYEGOKE-ENIOLA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 784.

No. 14–8100. STEWART *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 106.

No. 14–8102. BROWN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–8108. CAPOZZI *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 768 F. 3d 32.

No. 14–8110. FARAHI *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 554.

No. 14–8116. EDWARDS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 728.

No. 14–8120. BAXTER *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 761 F. 3d 17.

No. 14–8123. SHABAZZ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 563 Fed. Appx. 875.

No. 14–8124. JACKSON *v.* HARRIS, CLERK, SUPREME COURT OF THE UNITED STATES, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 574 Fed. Appx. 4.

No. 14–317. NEW MEXICO *v.* SCHWARTZ. Ct. App. N. M. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 2014–NMCA–066, 327 P. 3d 1108.

No. 14–675. KELLY ET AL. *v.* CITY OF NEW YORK, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 576 Fed. Appx. 22.

No. 14–7637. HERNANDEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–7650. GREGORY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–7757. HOLZ *v.* OLIVER. C. A. 10th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 576 Fed. Appx. 790.

No. 14–7785. MELENDEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–7876. PODLOG *v.* HOLLINGSWORTH, WARDEN. C. A. 3d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 574 Fed. Appx. 72.

No. 14–7879. BANKS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 14–7887. RAMIREZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 586 Fed. Appx. 30.

Rehearing Denied

No. 13–10125. ALESHIRE *v.* HARRIS, N. A., *ante*, p. 1025;

No. 13–10188. IN RE HARTMAN, *ante*, p. 1047;

No. 13–10245. GLASER *v.* CITY AND COUNTY OF DENVER, COLORADO, ET AL., *ante*, p. 838;

No. 13–10400. CHEN *v.* MAYOR AND CITY COUNCIL OF BALTIMORE, MARYLAND, ET AL., *ante*, p. 1068;

No. 13–10695. HUBBARD *v.* ST. LOUIS PSYCHIATRIC REHABILITATION CENTER ET AL., *ante*, p. 990;

No. 13–10777. GILBROOK *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 866;

No. 14–416. HEARN *v.* BOARD OF SUPERVISORS OF HINDS COUNTY, MISSISSIPPI, ET AL., *ante*, p. 1061;

No. 14–422. YOUNG-GIBSON *v.* BOARD OF EDUCATION OF THE CITY OF CHICAGO, *ante*, p. 1061;

No. 14–454. YUFA *v.* LOCKHEED MARTIN CORP., *ante*, p. 1075;

No. 14–477. BARSORIAN *v.* GROSSMAN ROTH, P. A., *ante*, p. 1076;

No. 14–5052. HOLLOWAY *v.* UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, *ante*, p. 879;

No. 14–5193. KHAMATI *v.* LEW, SECRETARY OF THE TREASURY, *ante*, p. 1013;

No. 14–5355. DILLON *v.* DOOLEY, WARDEN, *ante*, p. 895;

No. 14–5390. IN RE HARDY, *ante*, p. 812;

No. 14–5411. IN RE SHEPARD, *ante*, p. 813;

No. 14–5599. SCHULTZ *v.* YOUNG, WARDEN, ET AL., *ante*, p. 906;

No. 14–5696. HARRIS *v.* UNITED STATES, *ante*, p. 910;

No. 14–6026. PIMENTAL *v.* FLORIDA DEPARTMENT OF CORRECTIONS, *ante*, p. 980;

No. 14–6028. LAVERGNE *v.* MARTINEZ, *ante*, p. 980;

No. 14–6199. GONZALES *v.* BRAVO, WARDEN, ET AL., *ante*, p. 995;

No. 14–6226. IN RE LIBRACE, *ante*, p. 1010;

No. 14–6284. JOHNSON *v.* JUST ENERGY, *ante*, p. 965;

No. 14–6354. CLEGG *v.* WHITE, WARDEN, ET AL., *ante*, p. 1030;

No. 14–6400. LOPEZ *v.* PIERCE, WARDEN, ET AL., *ante*, p. 1031;

No. 14–6445. TRUJILLO *v.* SHERMAN, ACTING WARDEN, *ante*, p. 1032;

No. 14–6466. WILLIAMS *v.* CANADY ET AL., *ante*, p. 1032;

No. 14–6501. JONES *v.* BANK OF AMERICA ET AL., *ante*, p. 1050;

No. 14–6555. CASTAGNOLA *v.* EDUCATIONAL CREDIT MANAGEMENT CORP. ET AL., *ante*, p. 1050;

No. 14–6570. LARA MARTINEZ *v.* GEORGIA, *ante*, p. 1051;

No. 14–6602. HICKMAN *v.* HICKMAN ET AL., *ante*, p. 1063;

No. 14–6666. SCOTT *v.* D'ILIO, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL., *ante*, p. 1064;

No. 14–6704. FRANKLIN *v.* DEPARTMENT OF VETERANS AFFAIRS, *ante*, p. 1034;

No. 14–6715. ROBINSON *v.* LAMARQUE, WARDEN, ET AL., *ante*, p. 1034;

No. 14–6721. PENNINGTON-THURMAN *v.* BANK OF AMERICA, N. A., *ante*, p. 1034;

No. 14–6781. SUTTON *v.* NORTH CAROLINA, *ante*, p. 1065;

No. 14–6867. SOTO *v.* MINNESOTA SECOND JUDICIAL DISTRICT, SPECIAL COURTS DIVISION, DOMESTIC ABUSE/HARASSMENT OFFICE, ET AL., *ante*, p. 1085;

No. 14–6943. NGUYEN VU *v.* PENNSYLVANIA, *ante*, p. 1065;

No. 14–6962. DELGADO BELTRAN *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 1052;

No. 14–6964. WARREN *v.* MILLER, WARDEN, *ante*, p. 1088;

No. 14–6978. MARTINEZ *v.* UNITED STATES, *ante*, p. 1053;

No. 14–7232. PEREZ-ALEMAN *v.* UNITED STATES, *ante*, p. 1096;

No. 14–7420. RAMOS DUARTE *v.* UNITED STATES, *ante*, p. 1101; and

No. 14–7438. PETREE *v.* UNITED STATES, *ante*, p. 1102. Petitions for rehearing denied.

No. 13–10620. SMITH *v.* UNITED STATES, *ante*, p. 858. Motion for leave to file petition for rehearing denied.

FEBRUARY 25, 2015

Miscellaneous Order

No. 14A875. FLORIDA *v.* CORRELL. Application to vacate stay of execution of sentence of death, entered by the Supreme Court of Florida on February 17, 2015, presented to JUSTICE THOMAS, and by him referred to the Court, denied.

March 2, 2015

Certiorari Dismissed

No. 14–7743. Gorbey *v.* Monongalia County, West Virginia, et al. Sup. Ct. App. W. Va. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–7813. Black *v.* Louisiana. Ct. App. La., 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–8230. Nance *v.* Atkinson, Warden. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 589 Fed. Appx. 94.

No. 14–8279. Eaton *v.* Recktenwald, Warden. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 14–8362. Storey *v.* Lombardi, Director, Missouri Department of Corrections, et al. C. A. 8th Cir. Certiorari dismissed as moot.

Miscellaneous Orders

No. D–2799. In re Disbarment of Link. Disbarment entered. [For earlier order herein, see 573 U. S. 983.]

No. D–2800. In re Disbarment of Bigler. Disbarment entered. [For earlier order herein, see 573 U. S. 983.]

No. D–2801. In re Disbarment of Rickles. Disbarment entered. [For earlier order herein, see 573 U. S. 984.]

No. D–2802. In re Disbarment of Brufsky. Disbarment entered. [For earlier order herein, see 573 U. S. 984.]

No. D–2803. In re Disbarment of Nansen. Disbarment entered. [For earlier order herein, see 573 U. S 984.]

No. D–2804. In re Disbarment of Aguilez. Disbarment entered. [For earlier order herein, see 573 U. S. 984.]

No. D–2805. In re Disbarment of Zucker. Disbarment entered. [For earlier order herein, see 573 U. S. 984.]

No. D–2806. IN RE DISBARMENT OF WEINSTEIN. Disbarment entered. [For earlier order herein, see 573 U. S. 984.]

No. D–2808. IN RE DISBARMENT OF FELIX. Disbarment entered. [For earlier order herein, see 573 U. S. 985.]

No. D–2809. IN RE DISBARMENT OF JONES. Disbarment entered. [For earlier order herein, see 573 U. S. 985.]

No. D–2810. IN RE DISBARMENT OF SELTZER. Disbarment entered. [For earlier order herein, see 573 U. S. 985.]

No. D–2811. IN RE DISBARMENT OF MANNEAR. Disbarment entered. [For earlier order herein, see 573 U. S. 985.]

No. D–2825. IN RE DISBARMENT OF STEVENS. Disbarment entered. [For earlier order herein, see *ante*, p. 1023.]

No. 14M89. YAMAN *v.* YAMAN. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 14–6996. JORY *v.* UNITED STATES. C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 1072] denied. Motion for leave to proceed as a seaman granted.

No. 14–7776. DEAN *v.* PORSCHE AUTOMOBIL HOLDINGS SE ET AL. Sup. Ct. Ga.; and

No. 14–8056. LAMBERT *v.* CITY OF DANA POINT, CALIFORNIA, ET AL. Ct. App. Cal., 4th App. Dist., Div. 3. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until March 23, 2015, 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.

No. 14–964. IN RE RIVERA;

No. 14–8282. IN RE COOPER;

No. 14–8323. IN RE DORSEY; and

No. 14–8384. IN RE MCVAY. Petitions for writs of habeas corpus denied.

No. 14–8351. IN RE NESBITT. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court's Rule 39.8.

No. 14–7748. In re Yaodi Hu; and

No. 14–7819. In re Wilson. Petitions for writs of mandamus denied.

No. 14–7802. In re Holloway. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court's Rule 39.8.

No. 14–8265. In re Mohsen. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of prohibition dismissed. See this Court's Rule 39.8. As 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*).

Certiorari Granted

No. 14–361. Ocasio *v.* United States. C. A. 4th Cir. Certiorari granted. Reported below: 750 F. 3d 399.

No. 14–520. Hawkins et al. *v.* Community Bank of Raymore. C. A. 8th Cir. Certiorari granted. Reported below: 761 F. 3d 937.

Certiorari Denied

No. 14–434. ProtectMarriage.com-Yes on 8 et al. *v.* Padilla, California Secretary of State, et al. C. A. 9th Cir. Certiorari denied. Reported below: 752 F. 3d 827.

No. 14–461. Quijada Coronado *v.* Holder, Attorney General. C. A. 9th Cir. Certiorari denied. Reported below: 759 F. 3d 977.

No. 14–538. Stockbridge-Munsee Community *v.* New York et al. C. A. 2d Cir. Certiorari denied. Reported below: 756 F. 3d 163.

No. 14–577. Carpenter Co. et al. *v.* Ace Foam, Inc., et al., Individually and on Behalf of All Others Similarly Situated. C. A. 6th Cir. Certiorari denied.

No. 14–607. Laidlaw Transit, Inc. *v.* Education Logistics, Inc., et al. C. A. 9th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 624.

No. 14–747. WISAM 1, Inc., dba Sheridan Liquors *v.* Illinois Liquor Control Commission et al. Sup. Ct. Ill. Certiorari denied. Reported below: 2014 IL 116173, 18 N. E. 3d 1.

No. 14–753. Torkornoo *v.* Torkornoo et al. Ct. Sp. App. Md. Certiorari denied.

No. 14–766. Weaving *v.* City of Hillsboro, Oregon. C. A. 9th Cir. Certiorari denied. Reported below: 763 F. 3d 1106.

No. 14–791. Zavaleta-Ramirez *v.* Holder, Attorney General, et al. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 194.

No. 14–795. Zoubairi et al. *v.* Holder, Attorney General. C. A. 4th Cir. Certiorari denied. Reported below: 586 Fed. Appx. 112.

No. 14–809. New Hampshire *v.* McKenna. Sup. Ct. N. H. Certiorari denied. Reported below: 166 N. H. 671, 103 A. 3d 756.

No. 14–810. Jackson *v.* Louisville Ladder, Inc., et al. C. A. 3d Cir. Certiorari denied. Reported below: 586 Fed. Appx. 882.

No. 14–814. Gossage *v.* Department of Labor (two judgments). C. A. Fed. Cir. Certiorari denied.

No. 14–818. Smith *v.* Ohio. Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied. Reported below: 2014-Ohio-712.

No. 14–821. Florimonte *v.* Scranton Laminated Label, Inc., dba Scranton Label, Inc., et al. Sup. Ct. Pa. Certiorari denied. Reported below: 629 Pa. 638, 105 A. 3d 738.

No. 14–822. Anoruo *v.* McDonald, Secretary of Veterans Affairs. C. A. 9th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 485.

No. 14–832. Escandon *v.* Los Angeles County, California, et al. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 517.

No. 14–838. BOOKMAN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 14–843. DIMERY *v.* ULSTER SAVINGS BANK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 116 App. Div. 3d 731, 982 N. Y. S. 2d 912.

No. 14–859. MYRICK ET AL. *v.* WELLPOINT, INC., ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 764 F. 3d 662.

No. 14–875. APOSTOL *v.* RONALD WASTEWATER DISTRICT. Ct. App. Wash. Certiorari denied. Reported below: 180 Wash. App. 1033.

No. 14–880. MADDEN *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 14–885. RAYNOR *v.* MARYLAND. Ct. App. Md. Certiorari denied. Reported below: 440 Md. 71, 99 A. 3d 753.

No. 14–911. ASHBAUGH ET AL. *v.* GAY. Sup. Ct. App. W. Va. Certiorari denied.

No. 14–919. NATIVE WHOLESALE SUPPLY *v.* OKLAHOMA EX REL. PRUITT, ATTORNEY GENERAL OF OKLAHOMA. Sup. Ct. Okla. Certiorari denied. Reported below: 2014 OK 49, 338 P. 3d 613.

No. 14–924. HERSMAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 156.

No. 14–925. FLETCHER *v.* SHULMAN ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 394.

No. 14–935. ESTATE OF ETHRIDGE ET AL. *v.* RECOVERY MANAGEMENT SYSTEMS, INC., ET AL. Ct. App. Ariz. Certiorari denied. Reported below: 235 Ariz. 30, 326 P. 3d 297.

No. 14–6098. NEWMAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 246.

No. 14–6151. RANDOLPH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 754 F. 3d 580.

No. 14–6719. PERRY *v.* NEW HAMPSHIRE. Sup. Ct. N. H. Certiorari denied. Reported below: 166 N. H. 297, 95 A. 3d 95.

No. 14–6889. MARTIN GARCIA *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 757 F. 3d 220.

No. 14–7033. THOMPSON ET AL. *v.* MERCER, SHERIFF, PALO PINTO COUNTY, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 762 F. 3d 433.

No. 14–7127. BARNETT *v.* NEW JERSEY TRANSIT CORPORATION ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 573 Fed. Appx. 239.

No. 14–7152. MAY *v.* AMGEN, INC. C. A. 9th Cir. Certiorari denied. Reported below: 564 Fed. Appx. 313.

No. 14–7240. ESPINOZA-DIAZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 398.

No. 14–7257. BURNO *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 626 Pa. 30, 94 A. 3d 956.

No. 14–7279. FRANCO GARZA *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 404.

No. 14–7656. TOWLES *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 630 Pa. 183, 106 A. 3d 591.

No. 14–7685. CHAPPELL *v.* MORGAN, WARDEN. Sup. Ct. Ohio. Certiorari denied. Reported below: 139 Ohio St. 3d 1426, 2014-Ohio-2725, 11 N. E. 3d 282.

No. 14–7704. DRAWHORN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 14–7707. WARREN-BEY *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 218.

No. 14–7711. DORSEY *v.* LOUISIANA. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2012–1816 (La. App. 1 Cir. 2/4/14), 137 So. 3d 651.

No. 14–7714. BOGGAN *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 112190–U.

No. 14–7715. BANKS *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 14–7717. BROWN *v.* CRUTCHFIELD, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7718. MORGAN *v.* ADDISON, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 852.

No. 14–7720. BLAIR *v.* PALMER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7723. RICHARDSON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–7724. BERRY *v.* MACKIE, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 579.

No. 14–7725. BRUSE *v.* GREEN, WARDEN. Sup. Ct. Mont. Certiorari denied. Reported below: 376 Mont. 548, 347 P. 3d 265.

No. 14–7728. JONES *v.* CASSADAY, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 14–7729. HARDEN *v.* PORTER ET AL. Ct. App. Iowa. Certiorari denied. Reported below: 847 N. W. 2d 236.

No. 14–7737. OWENS *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 122327–U.

No. 14–7738. INGRAM *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 14–7739. LOVELACE *v.* RIVARD, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 14–7742. FLENTROY *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 358.

No. 14–7745. HORTON *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 123.

No. 14–7746. GRENIER *v.* COLORADO. Sup. Ct. Colo. Certiorari denied.

No. 14–7747. HOWARD *v.* CORRECTIONS CORPORATION OF AMERICA ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–7749. COLEMAN *v.* JABE ET AL. C. A. 4th Cir. Certiorari denied.

No. 14–7752. TEMPLE *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 111653, 14 N. E. 3d 622.

No. 14–7755. GROSS *v.* NORMAND, SHERIFF, JEFFERSON PARISH, LOUISIANA, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 318.

No. 14–7756. HALLER *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 14–7759. WILLIAMS *v.* ZATECKY, SUPERINTENDENT, PENDLETON CORRECTIONAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 14–7766. ASKINS *v.* STARTING POINT ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 4.

No. 14–7767. VON BELTZ *v.* BENTLEY HOMES, LLC, ET AL. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 14–7770. MCDONALD *v.* HEALTH CARE SERVICE CORP. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2014 IL App (2d) 130433–U.

No. 14–7772. THOMAS *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 114 App. Div. 3d 1138, 979 N. Y. S. 2d 729.

No. 14–7773. PETERSON *v.* WALT'S PLUMBING AND HEATING ET AL. C. A. 6th Cir. Certiorari denied.

No. 14–7775. JAMES *v.* FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied. Reported below: 153 So. 3d 906.

No. 14–7778. MCDONALD *v.* LIPOV ET AL. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2014 IL App (2d) 130401, 13 N. E. 3d 179.

No. 14–7780. McSwain *v.* Jobs et al. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 292.

No. 14–7782. Dong Lang *v.* California Unemployment Insurance Appeals Board. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 14–7786. McIntosh *v.* Yates, Warden. C. A. 9th Cir. Certiorari denied.

No. 14–7787. Harris *v.* Virginia. Sup. Ct. Va. Certiorari denied.

No. 14–7789. Florence *v.* United States District Court for the Southern District of Texas. C. A. 5th Cir. Certiorari denied.

No. 14–7790. Solomon *v.* Kess-Lewis et al. C. A. 4th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 183.

No. 14–7791. Gonzalez *v.* Florida. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 141 So. 3d 564.

No. 14–7792. Guy *v.* Soto. C. A. 9th Cir. Certiorari denied.

No. 14–7795. Frey *v.* Foster et al. Ct. App. Tex., 6th Dist. Certiorari denied.

No. 14–7796. Fortune *v.* Virginia. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 156.

No. 14–7801. Humphrey *v.* California. Sup. Ct. Cal. Certiorari denied.

No. 14–7804. Flynn *v.* California. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 14–7806. Holcomb *v.* Arizona. Ct. App. Ariz. Certiorari denied.

No. 14–7807. Hudson *v.* Miller, Warden, et al. C. A. 10th Cir. Certiorari denied. Reported below: 546 Fed. Appx. 747.

No. 14–7810. Bell *v.* Berghuis, Warden. C. A. 6th Cir. Certiorari denied.

No. 14–7811. Bush *v.* Donovan et al. C. A. 9th Cir. Certiorari denied.

No. 14–7820. GASTON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 14–7825. CANNON *v.* NEWPORT ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 572 Fed. Appx. 454.

No. 14–7826. STRONG, AKA DAVIS *v.* DISTRICT ATTORNEY OF PHILADELPHIA COUNTY, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied.

No. 14–7829. SOLOMON *v.* KESS-LEWIS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 186.

No. 14–7830. GOULD *v.* STOICOFF ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7881. OPOKU-BAMFO *v.* HOLDER, ATTORNEY GENERAL. C. A. 4th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 168.

No. 14–7883. PATRICK *v.* GROUNDS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7910. THIBODEAUX *v.* AFRICK, JUDGE, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA, ET AL. C. A. 5th Cir. Certiorari denied.

No. 14–7939. KNUTSON *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 288 Neb. 823, 852 N. W. 2d 307.

No. 14–7944. PYBURN *v.* DURHAM ET AL. C. A. 11th Cir. Certiorari denied.

No. 14–7946. BERGET *v.* SOUTH DAKOTA. Sup. Ct. S. D. Certiorari denied. Reported below: 2014 S.D. 61, 853 N. W. 2d 45.

No. 14–7964. TIMMONS *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 14–7969. CARTER *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 134 So. 3d 951.

No. 14–7974. HODGES *v.* SOTO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–7978. SESSON *v.* CITY OF TUSCALOOSA, ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 173 So. 3d 5.

No. 14–7990. HUEY *v.* LOUISIANA. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2013–1227 (La. App. 1 Cir. 2/18/14), 142 So. 3d 27.

No. 14–8002. GILLMAN *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 940.

No. 14–8006. CRUZ *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 14–8009. AGUILAR *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 450.

No. 14–8013. KENNER *v.* VIDAURRI ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 489.

No. 14–8022. JOHNSON *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 85 Mass. App. 1111, 5 N. E. 3d 969.

No. 14–8039. BLEDSOE *v.* LIZARRAGA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 14–8041. BROWN *v.* NOOTH, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 559.

No. 14–8073. A. B. *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 14–8091. MOODY *v.* OHIO. Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied.

No. 14–8121. BANKS *v.* PRICE, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 576 Fed. Appx. 905.

No. 14–8126. WHITE *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 14–8134. ELLISON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–8135. DURY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 151.

No. 14–8138. ELLIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 58.

No. 14–8145. MORROW *v.* TENNESSEE ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 415.

No. 14–8147. JENKINS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 770 F. 3d 507.

No. 14–8149. BRADLEY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 589 Fed. Appx. 891.

No. 14–8150. AYERS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 383.

No. 14–8153. AMAYA *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 720.

No. 14–8155. COLON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–8156. LOCKLEAR *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 66.

No. 14–8159. WALLACE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 263.

No. 14–8163. SIERRA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 370.

No. 14–8166. PINEDA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 770 F. 3d 313.

No. 14–8167. MONJARAS-PICHARDO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 377.

No. 14–8173. ROLLER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 586 Fed. Appx. 299.

No. 14–8175. THOMPSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 101.

No. 14–8176. WOODS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 170.

No. 14–8177. VERNON *v.* PASTRANA, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 14–8178. LEWIS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 768 F. 3d 1086.

No. 14–8181. RUCKER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 943.

No. 14–8183. SEGOVIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 770 F. 3d 351.

No. 14–8186. QUILLAR *v.* HILL, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 736.

No. 14–8187. SAYERS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 497.

No. 14–8192. MARTINEZ-VELEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–8195. DODD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 770 F. 3d 306.

No. 14–8202. VALENCIA-MAZARIEGOS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–8206. THOMPSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 449.

No. 14–8209. MCMARYION *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 399.

No. 14–8212. MARGHEIM *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 770 F. 3d 1312.

No. 14–8214. CAMPBELL, AKA SMITH, AKA MICHAEL *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 764 F. 3d 880.

No. 14–8216. DARWICH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 574 Fed. Appx. 582.

No. 14–8226. CRAWLEY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–8229. VONDETTE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 14–8231. PETEET *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 766 F. 3d 893.

No. 14–8233. SOMSAK SAEKU *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 195.

No. 14–8235. PULIDO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 452.

No. 14–8238. ALBORNOZ-ALBORNOZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 770 F. 3d 1139.

No. 14–8240. RICHARDSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 245.

No. 14–8247. ISLAS-SAUCEDO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 441.

No. 14–8249. LOMAS-RODRIGUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–8251. BUTTERWORTH *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 775 F. 3d 459.

No. 14–8253. SANDFORD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 426.

No. 14–8254. SANTANA-REYES *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–8260. GREENE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 755.

No. 14–8266. HACKETT *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 762 F. 3d 493.

No. 14–8267. HERNANDEZ-GARCIA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 593 Fed. Appx. 787.

No. 14–8268. FELTS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 463.

No. 14–8275. HEWITT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 528.

No. 14–8280. DONNELL *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 765 F. 3d 817.

No. 14–8281. JAVIER CARABALLO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 283.

No. 14–8284. FAHNBULLEH *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 752 F. 3d 470.

No. 14–8285. GIVENS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 763 F. 3d 987.

No. 14–8289. WILSON *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 75 A. 3d 296.

No. 14–8290. TITLEY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 770 F. 3d 1357.

No. 14–8294. MILLER *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 421 Fed. Appx. 851.

No. 14–8295. MOSES *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 14–8298. GOODMAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–8300. MORTENSEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 14–8304. CALLAWAY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 867.

No. 14–8307. JACKSON *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 103 A. 3d 546.

No. 14–8326. RHODES, AKA WILLIAMS *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 216 Md. App. 754.

No. 14–771. LABORERS' LOCAL 265 PENSION FUND ET AL. *v.* ISHARES TRUST ET AL. C. A. 6th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 769 F. 3d 399.

No. 14–907. DOLENZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 574 Fed. Appx. 349.

No. 14–7426. DAVIS *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. JUSTICE BREYER dissents. Reported below: 139 Ohio St. 3d 122, 2014-Ohio-1615, 9 N. E. 3d 1031.

Rehearing Denied

No. 13–10259. HEXIMER *v.* WOODS, WARDEN, *ante*, p. 839;
No. 14–488. SABENIANO *v.* CITIBANK, N. A., *ante*, p. 1076;
No. 14–505. BREWINGTON *v.* INDIANA, *ante*, p. 1077;
No. 14–5295. TORKORNOO *v.* TORKORNOO, *ante*, p. 1080;
No. 14–5414. FARRIS *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, *ante*, p. 898;
No. 14–5445. GATES *v.* ROGERS, WARDEN, *ante*, p. 899;
No. 14–6481. SUNDAY *v.* JONES, WARDEN, ET AL., *ante*, p. 1017;
No. 14–6868. MAGRINI *v.* FLORIDA, *ante*, p. 1065;
No. 14–6926. MOORE *v.* PENNSYLVANIA ET AL., *ante*, p. 1065;
No. 14–6956. GRIFFIN *v.* WILSON, WARDEN, *ante*, p. 1037;
No. 14–6991. SNYDER *v.* UNITED STATES, *ante*, p. 1053;
No. 14–7020. GRAZZINI-RUCKI *v.* RUCKI, *ante*, p. 1089;
No. 14–7034. DUKE *v.* FFRENCH-MULLEN ET AL., *ante*, p. 1090;
No. 14–7201. WRIGHT *v.* UNITED STATES, *ante*, p. 1096;
No. 14–7220. BELLO ET AL. *v.* DEUTSCHE BANK NATIONAL TRUST CO., *ante*, p. 1096;
No. 14–7269. FLORES *v.* UNITED STATES, *ante*, p. 1098;
No. 14–7443. CARR-STEPHENSON *v.* OFFICEMAX NORTH AMERICA, INC., *ante*, p. 1126;
No. 14–7450. BROWN *v.* BERKEBILE, WARDEN, *ante*, p. 1102;
No. 14–7454. IN RE SMITH-BEY, *ante*, p. 1072; and
No. 14–7489. IN RE MAURICE EL ET AL., *ante*, p. 1072. Petitions for rehearing denied.

No. 14–6442. PHILLIPS *v.* UNITED STATES, *ante*, p. 985. Motion for leave to file petition for rehearing denied.

INDEX

AIDING AND ABETTING. See **Habeas Corpus,** 1.

AIR TRANSPORTATION. See **Whistleblower Protection Act of 1989.**

ANTITRUST LAW.

State regulatory board—Active market participants—State-action antitrust immunity.—Because a controlling number of North Carolina State Board of Dental Examiners' decisionmakers are active market participants in occupation that board regulates, board can invoke state-action antitrust immunity only if it was subject to active supervision by State; here that requirement is not met. North Carolina State Bd. of Dental Examiners v. FTC, p. 494.

APPEALS.

1. *Single case in multidistrict litigation dismissed in its entirety—Right to appeal.*—District Court's order dismissing petitioners' case in its entirety removed petitioners from multidistrict litigation they had been part of, thereby triggering their right to appeal under 28 U. S. C. § 1291. Gelboim v. Bank of America Corp., p. 405.

2. *Spisak theory of ineffective assistance of counsel—Notice of cross-appeal requirement.*—Jennings' *Smith* v. *Spisak*, 558 U. S. 139, theory was a defense of his favorable habeas judgment on alternative grounds, and thus he was not required to take a cross-appeal or obtain a certificate of appealability to argue it on appeal. Jennings v. Stephens, p. 271.

ASSISTANCE OF COUNSEL. See **Appeals,** 2; **Habeas Corpus,** 3.

BANK ROBBERY. See **Criminal Law,** 2.

BENEFIT PLANS. See **Employee Retirement Income Security Act of 1974.**

CELL PHONE TOWERS. See **Telecommunications Act of 1996.**

CIVIL RIGHTS ACT OF 1871. See **Federal Rules of Civil Procedure; Immunity from Suit.**

COLLECTIVE-BARGAINING AGREEMENTS. See **Employee Retirement Income Security Act of 1974.**

COLORADO. See **Compacts Between States.**

COMMERCIAL FISHING. See **Criminal Law,** 1.

COMPACTS BETWEEN STATES.

Republican River Compact—Equitable remedies.—Special Master's determination that Nebraska violated Compact and 2002 Final Settlement Stipulation and his recommendation that Nebraska's requested modification of 2002 agreement be granted are adopted; parties' exceptions to Special Master's Report are overruled. Kansas v. Nebraska, p. 445.

COMPENSATION FOR TIME SPENT UNDERGOING SECURITY SCREENINGS. See **Labor.**

CONFLICTS OF INTEREST. See **Habeas Corpus,** 3.

CONSTITUTIONAL LAW. See also **Appeals; Immunity from Suit.**

Searches and seizures—Mistake of law—Objectively reasonable suspicion justifying vehicle stop.—Because it was objectively reasonable for an officer in Sergeant Darisse's position to think that North Carolina law required vehicles to have two functioning brake lights instead of one, Darisse's stop of Heien's vehicle was lawful under Fourth Amendment. Heien v. North Carolina, p. 54.

CONSUMER RIGHTS. See **Truth in Lending Act.**

CRIMINAL LAW.

1. *Destruction of "tangible object" to impede federal investigation—Possession of undersized fish.*—Under 18 U. S. C. § 1519—which provides that a person may be fined or imprisoned for up to 20 years if he "knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence" a federal investigation—a "tangible object" is one used to record or preserve information, not an object like undersized fish that petitioner Yates disposed of in order to avoid civil penalties for violating federal conservation regulations. Yates v. United States, p. 528.

2. *Enhanced penalties—Forced accompaniment in bank robbery.*—Title 18 U. S. C. § 2113(e)—which establishes enhanced penalties for anyone who "forces [a] person to accompany him" while committing or fleeing from a bank robbery—is violated when a bank robber forces a person to go somewhere with him, even if movement occurs entirely within a single building or over a short distance, as occurred here. Whitfield v. United States, p. 265.

CROSS-APPEAL RULE. See **Appeals,** 2.

DENTISTS. See **Antitrust Law.**

DUE PROCESS. See **Federal Rules of Civil Procedure; Habeas Corpus,** 1.

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

Collectively bargained health care benefit plans—Contract law principles.—Sixth Circuit's conclusion that a collective-bargaining agreement created a vested right to lifetime contribution-free health care benefits rested on principles that are incompatible with ordinary principles of contract law. M&G Polymers USA, LLC v. Tackett, p. 427.

EMPLOYER AND EMPLOYEES. See **Federal Rules of Civil Procedure; Labor.**

FAIR LABOR STANDARDS ACT OF 1938. See **Labor.**

FEDERAL AIR MARSHALS. See **Whistleblower Protection Act of 1989.**

FEDERAL CONSERVATION REGULATIONS. See **Criminal Law,** 1.

FEDERAL EMPLOYER AND EMPLOYEES. See **Whistleblower Protection Act of 1989.**

FEDERAL RULES OF CIVIL PROCEDURE.

Pleading standards—Statement of claim.—Federal pleading rules, see Fed. Rule Civ. Proc. 8(a)(2), did not require petitioners to invoke 42 U. S. C. § 1983 expressly in order to state a claim that respondent city terminated their employment in violation of due process. Johnson v. City of Shelby, p. 10.

FEDERAL RULES OF EVIDENCE.

Inadmissibility of certain juror testimony—Evidence of voir dire dishonesty—New trial motion—"Extraneous prejudicial information" exception.—Federal Rule of Evidence 606(b), which makes inadmissible certain juror testimony regarding what occurred in a jury room, precludes a party seeking a new trial from using one juror's affidavit of what another juror said in deliberations to demonstrate other juror's dishonesty during *voir dire*; because dishonesty alleged in Warger's new trial motion relates to juror's personal experience and not to specific knowledge of case, Rule's exception for evidence of "extraneous prejudicial information," Rule 606(b)(2)(A), does not apply. Warger v. Shauers, p. 40.

FORCED ACCOMPANIMENT. See **Criminal Law,** 2.

FOURTEENTH AMENDMENT. See **Federal Rules of Civil Procedure.**

FOURTH AMENDMENT. See **Constitutional Law; Immunity from Suit.**

HABEAS CORPUS. See also **Appeals,** 2.

HABEAS CORPUS—Continued.

1. *Clearly established federal law—Deprivation of adequate notice of aiding-and-abetting theory of liability.*—Ninth Circuit erred in granting habeas relief based on its own precedent, where this Court's case law had not "clearly establish[ed]" that a defendant adequately apprised of possibility of conviction on an aiding-and-abetting theory can nevertheless be deprived of adequate notice by a prosecutorial decision to focus on another theory at trial, see 28 U. S. C. § 2254(d)(1). Lopez v. Smith, p. 1.

2. *Prohibition on simultaneously contesting criminal liability and arguing duress—Structural error.*—Respondent was not entitled to habeas relief on ground that Washington Supreme Court unreasonably applied clearly established federal law by failing to classify trial court's closing-argument restriction as structural error, since none of this Court's cases clearly requires including such an improper restriction in structural error category. Glebe v. Frost, p. 21.

3. *Substitution of counsel—Conflict of interest—"Interests of justice" standard.*—In denying habeas petitioner Christeson's request for substitute counsel who would not be laboring under a conflict of interest, courts below contravened this Court's decision in *Martel* v. *Clair*, 565 U. S. 684, which sets out factors for courts to consider when evaluating motions for substitution under applicable "interests of justice" standard. Christeson v. Roper, p. 373.

HEALTH CARE BENEFIT PLANS. See **Employee Retirement Income Security Act of 1974.**

HOME LOANS. See **Truth in Lending Act.**

IMMUNITY FROM SUIT.

Qualified immunity—"Knock and talk" exception to warrant requirement.—Third Circuit erred in denying petitioner qualified immunity here, where no clearly established statutory or constitutional right established that "knock and talk" exception to warrant requirement requires an officer to knock at a front door, not at a door located on backyard deck. Carroll v. Carman, p. 13.

JURISDICTION.

Notice of removal—Pleading requirements—Plausible allegation.—As specified in 28 U. S. C. § 1446(a), a defendant's notice of removal need include only a plausible allegation that amount in controversy exceeds jurisdictional threshold; District Court erred in remanding this case to state court for want of an evidentiary submission in notice of removal, and Tenth Circuit abused its discretion in denying review of that decision. Dart Cherokee Basin Operating Co. v. Owens, p. 81.

JURY DELIBERATIONS. See **Federal Rules of Evidence; Habeas Corpus,** 1.

KANSAS. See **Compacts Between States.**

KNOCK-AND-TALK RULE. See **Immunity from Suit.**

LABOR.

Postshift security screenings—Noncompensable activities.—Because petitioner's postshift security screenings are postliminary activities under Portal-to-Portal Act of 1947, time that respondents spent waiting to undergo, and undergoing, those screenings is noncompensable under Fair Labor Standards Act of 1938. Integrity Staffing Solutions, Inc. v. Busk, p. 27.

MORTGAGES. See **Truth in Lending Act.**

MULTIDISTRICT LITIGATION. See **Appeals,** 1.

MUNICIPALITIES. See **Federal Rules of Civil Procedure.**

MUSLIM RELIGIOUS BELIEFS. See **Religious Land Use and Institutionalized Persons Act of 2008.**

NEBRASKA. See **Compacts Between States.**

NEW TRIAL MOTIONS. See **Federal Rules of Evidence.**

NORTH CAROLINA. See **Antitrust Law.**

PATENTS.

Patent claim construction—Subsidiary factual matters—Standard of review.—When reviewing a district court's resolution of subsidiary factual matters made in course of its construction of a patent claim, Federal Circuit must apply a "clear error," not a *de novo,* standard of review. Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc., p. 318.

PLEADING STANDARDS. See **Federal Rules of Civil Procedure; Jurisdiction.**

PORTAL-TO-PORTAL ACT OF 1947. See **Labor.**

POSTLIMINARY ACTIVITIES. See **Labor.**

PRISONER'S RIGHTS. See **Religious Land Use and Institutionalized Persons Act of 2008.**

QUALIFIED IMMUNITY. See **Immunity from Suit.**

REASONABLE SUSPICION. See **Constitutional Law.**

RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000.

Prison grooming policy—Muslim religious beliefs.—Arkansas Department of Correction's grooming policy, which generally prohibits inmates

RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000—Continued.

from growing beards, violates Act insofar as it prevents petitioner, a devout Muslim, from growing a ½-inch beard in accordance with his religious beliefs. Holt v. Hobbs, p. 352.

REMOVAL TO FEDERAL COURT. See **Jurisdiction.**

RESCISSION RIGHTS. See **Truth in Lending Act.**

RETIREES' HEALTH CARE BENEFITS. See **Employee Retirement Income Security Act of 1974.**

RIGHT TO APPEAL. See **Appeals.**

RIGHT TO COUNSEL. See **Habeas Corpus,** 2.

RIPARIAN RIGHTS. See **Compacts Between States.**

SEARCHES AND SEIZURES. See **Constitutional Law; Immunity from Suit.**

SEARCH WARRANTS. See **Immunity from Suit.**

SECTION 1983. See **Federal Rules of Civil Procedure; Immunity from Suit.**

SECURITY SCREENINGS. See **Labor.**

SIXTH AMENDMENT. See **Habeas Corpus,** 1.

STANDARD OF REVIEW. See **Patents.**

TELECOMMUNICATIONS ACT OF 1996.

Cell phone tower siting applications—Reason-for-denial requirements.—Under Act, state and local governments must provide reasons for denying cell tower siting applications, but they may do so in a document other than denial notice itself, provided that reasons are clearly stated and issued essentially contemporaneously with denial; respondent failed to comply with these requirements when it issued its reasons for denying petitioner's siting application 26 days after issuing denial notice. T-Mobile South, LLC v. City of Roswell, p. 293.

TERMINATION OF EMPLOYMENT. See **Federal Rules of Civil Procedure.**

TRADEMARKS.

Tacking doctrine—Trademark priority.—Whether two trademarks may be "tacked" for purposes of determining priority of trademark use is a matter for a jury, not a judge, to decide. Hana Financial, Inc. v. Hana Bank, p. 418.

TRUTH IN LENDING ACT.

Right to rescind loan—Written notice.—In order to exercise his right to rescind a loan under Act, a borrower need only provide written notice to his lender within three years after transaction is consummated, not file suit within that period. Jesinoski v. Countrywide Home Loans, Inc., p. 259.

VEHICLE STOPS. See **Constitutional Law.**

VOIR DIRE. See **Federal Rules of Evidence.**

WELFARE BENEFIT PLANS. See **Employee Retirement Income Security Act of 1974.**

WHISTLEBLOWER PROTECTION ACT OF 1989.

Federal whistleblower—Exclusion for disclosures "specifically prohibited by law."—Respondent's communication to a reporter about canceled air marshal missions is not excluded from federal whistleblower protection as a disclosure "specifically prohibited by law," 5 U. S. C. § 2302(b)(8)(A), because Transportation Security Administration regulation prohibiting his disclosure does not qualify as "law," and because law authorizing regulation, 49 U. S. C. § 114(r)(1), does not specifically prohibit his disclosure. Department of Homeland Security v. MacLean, p. 383.

WORDS AND PHRASES.

"*[S]pecifically prohibited by law.*" Whistleblower Protection Act of 1989, 5 U. S. C. § 2302(b)(8)(A). Department of Homeland Security v. MacLean, p. 383.

"*[T]angible object.*" 18 U. S. C. § 1519. Yates v. United States, p. 528.

WORK TIME. See **Labor.**

ZONING LAWS. See **Telecommunications Act of 1996.**