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MONDAY, MAY 2, 2005

CERTIORARI -- SUMMARY DISPOSITIONS

03-1427 EUROPEAN COMMUNITY, ET AL. V. RJR NABISCO, INC., ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Second Circuit for further consideration in light of *Pasquantino v. United States*, 544 U.S. ____ (2005).

04-81 BASF CORP. V. PETERSON, RONALD, ET AL.

The motion of CropLife America for leave to file a brief as amicus curiae is granted. The motion of Chamber of Commerce of the United States of America for leave to file a brief as amicus curiae is granted. The motion of Product Liability Advisory Council, Inc. for leave to file a brief as amicus curiae is granted. The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the Supreme Court of Minnesota for further consideration in light of *Bates v. Dow Agrosciences LLC*, 544 U.S. ____ (2005).

04-579 OKEN, WAYNE C. V. MONSANTO COMPANY, ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *Bates v. Dow Agrosciences LLC*, 544 U.S. ____ (2005).

04-1021 MI HIGH SCHOOL ATHLETIC ASS'N. V. COMMUNITIES FOR EQUITY, ET AL.

The motion of Michigan Interscholastic Athletic Administrators Association for leave to file a brief as amicus curiae is granted. The motion of Michigan Association of School Boards for leave to file a brief as amicus curiae is granted. The motion of Basketball Coaches Association of Michigan for leave to file a brief as amicus curiae is granted. The motion of National Federation of State High School Associations for leave to file a brief as amicus curiae is granted. The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of *Rancho Palos Verdes v. Abrams*, 544 U.S. ____ (2005).

04-7904 CRUZ, FRANCISCO J. V. UNITED STATES

The motion of petitioner for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-8921 QUINONES, ANTHONY V. UNITED STATES

The motion of petitioner for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Ninth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9121 CASTRO, YOSVANY J. V. UNITED STATES

04-9170 BIFFLE, ROMES B. V. UNITED STATES

04-9210 CLEDANOR, JEAN R. V. UNITED STATES

04-9212 COTNEY, DAVID F. V. UNITED STATES

04-9261 BAXTER, VICTOR G. V. UNITED STATES

The motions of petitioners for leave to proceed in forma pauperis and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9295 CAMPOS-AIZPURO, PABLO R. V. UNITED STATES
04-9306 VENCES, MIGUEL A. V. UNITED STATES
04-9308 THIBODEAUX, SHIRLEY V. UNITED STATES
04-9309 VELOZ, JESUS M. V. UNITED STATES
04-9314 BARRON-TORRES, JOSE V. UNITED STATES
04-9315 BAEZ, ADOLFO V. UNITED STATES
04-9316 DE LA CRUZ-GONZALEZ, ROGELIO V. UNITED STATES
04-9348 CALTON, DERIC D. V. UNITED STATES
04-9349 LONGBINE, STEPHAN D. V. UNITED STATES

The motions of petitioners for leave to proceed in forma pauperis and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9365 GOMEZ, SANTIAGO V. UNITED STATES

The motion of petitioner for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eighth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9381 GARCIA-VARGAS, JAVIER V. UNITED STATES
04-9382 FLORES, JOHN R. V. UNITED STATES
04-9384 GARCIA, EDUARDO V. UNITED STATES

The motions of petitioners for leave to proceed in forma pauperis and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9385 HERNANDEZ-BAIDE, ARLETTE Y. V. UNITED STATES

The motion of petitioner for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Tenth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9401 GONZALEZ-ANTUNA, CARLOS V. UNITED STATES
04-9407 DeLEON-GARCIA, JESUS V. UNITED STATES

The motions of petitioners for leave to proceed in forma pauperis and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9412 WELCH, JOHN S. V. UNITED STATES

The motion of petitioner for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9414 NAJERA-MORALES, MARCELINO V. UNITED STATES

The motion of petitioner for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Tenth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9424 JACOBS, DARRELL C. V. UNITED STATES

The motion of petitioner for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9425 JONES, CHRISTOPHER V. UNITED STATES

The motion of petitioner for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9429 SZABO, KEVIN V. UNITED STATES

The motion of petitioner for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of United States v. Booker, 543 U.S. ____ (2005).

04-9436 NAVARRO-GONZALEZ, SALVADOR V. UNITED STATES

04-9453 BARRERA-GONZALEZ, JUAN V. UNITED STATES

The motions of petitioners for leave to proceed in forma pauperis and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Ninth Circuit for further consideration in light of United States v. Booker, 543 U.S. ____ (2005).

04-9465 COUNTERMAN, ROBERT J. V. UNITED STATES

The motion of petitioner for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of United States v. Booker, 543 U.S. ____ (2005).

04-9480 BECK, MICHAEL E. V. UNITED STATES

The motion of petitioner for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Ninth Circuit for further consideration in light of United States v. Booker, 543 U.S. ____ (2005).

04-9516 QUEJADA-POMARE, JESUS V. UNITED STATES

04-9524 JOHNSON, MICHAEL V. UNITED STATES

04-9528 RESTREPO, JOSE V. UNITED STATES

The motions of petitioners for leave to proceed in forma pauperis and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of United States v. Booker, 543 U.S. ____ (2005).

04-9577 MERAZ-AMADO, JESUS V. UNITED STATES

The motion of petitioner for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of United States v. Booker, 543 U.S. ____ (2005). ORDERS IN PENDING CASES

04M67 GARCIA-MEJIA, OSCAR H. V. UNITED STATES

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

04M68 SLAUGHTER, WILLIE C. V. METRISH, WARDEN

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

04M69 TURNER, RICHARD D. V. CALIFORNIA

The motion for leave to proceed in forma pauperis without an affidavit of indigency executed by petitioner is denied. Justice Stevens and Justice Breyer would grant the motion.

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

The motion of respondent for appointment of counsel is granted. Nina Rivkind, Esq., of San Francisco, California, is appointed to serve as counsel for the respondent in this case.

04-8116 S. C., ET VIR V. R. Y., ET UX.

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

04-1152 RUMSFELD, SEC. OF DEFENSE V. FORUM FOR ACADEMIC RIGHTS

The petition for writ of certiorari is granted.

04-721 LAMARQUE, WARDEN V. CHAVIS, REGINALD

The motion of respondent for leave to proceed in forma pauperis is granted. The petition for writ of certiorari is granted. CERTIORARI DENIED

04-294 FOUNTAIN, JOHN V. UNITED STATES

04-1009 INTL UNION, ET AL. V. FINK, DAVID, ET AL.

04-1012 HAIRE, ERNEST B. V. MESHULAM, DEBORAH R.

04-1024 O'CONNOR, MARY C. V. CHURCH OF ST. IGNATIUS LOYOLA

04-1055 SAFE AIR FOR EVERYONE V. MEYER, WAYNE, ET AL.

04-1141 KYLES, TIMOTHY V. ILLINOIS

04-1145 BENSEL, LEROY, ET AL. V. ALLIED PILOTS ASSN., ET AL.

04-1151 PITTS, ROY V. CROSBY, SEC., FL DOC, ET AL.

04-1155 GRAHAM, KENNETH V. E-J ELECTRIC INSTALLATION CO.

04-1156 CITIZENS FINANCIAL GROUP, INC. V. CITIZENS NAT. BANK OF EVANS CI

04-1161 VAnGUILDER, EDWARD V. NEW YORK

04-1163 STEPHENS, RANDALL G. V. UNION CARBIDE CORP., ET AL.

04-1166 ROSSI, MICHAEL J., V. MPAA, INC., ET AL.

04-1192 HEIDE, GUY, ET AL. V. FAA

04-1194 HARLEY, CLARENCE V. ADLER, ROBERT, ET AL.

04-1212 DODAJ, ANTON, ET AL. V. GONZALES, ATTY GEN.

04-1222 DAVIS, WARREN, ET AL. V. UNITED AUTOMOBILE WORKERS

04-1223 GRAJALES, GABRIEL O. V. GONZALES, ATTY GEN.

04-1231 TOLLIVER, JONATHAN V. ILLINOIS

04-1245 ROACH, CALVIN P. V. ROACH, TERRI L.

04-1251 MEDPOINTE HEALTHCARE, INC. V. HI-TECH PHARMACAL CO., INC.

04-1256 WHITE, LESLIE E. V. UNITED STATES

04-1267 ORD, EDWARD O. C. V. SEC, ET AL.

04-1271 RUTTI, JAMES P. V. WYOMING

04-1308 FLEISCHLI, DONNA V. UNITED STATES

04-8841 O'GARA, JOSEPH V. NEW YORK

04-8843 SANCHEZ, ALFREDO V. RAMIREZ, KATHY, ET AL.

04-8844 SMITH, JERRY E. V. LAMARQUE, WARDEN

04-8846 REDDEN, RICHARD V. RAFFERTY, WARDEN

04-8847 MOONEY, RONALD C. V. GEORGIA

04-8848 DUARTE, JOE A. V. SNEDEKER, WARDEN

04-8853 CURTIS, BARABBAS R. V. TURPIN, WARDEN

04-8857 TOWNE, DONALD O. V. FARWELL, WARDEN

04-8858 YOUNG, GREGORY L. V. SULLIVAN, WARDEN

04-8859 WANSING, ROMAN P. V. SMELSER, WARDEN, ET AL.

04-8860 CASTILLO, VINCENT M. V. SPAIN, C., ET AL.

04-8866 BEENE, ROBERT E. V. TERHUNE, CAL A., ET AL.

04-8874 HAN, KWANG-WEI V. RYAN, JOHN E., ET AL.

04-8875 HILL, DAVID M. V. SOUTH CAROLINA

04-8880 GATES, RICARDO H. V. WYNDER, SUPT., DALLAS, ET AL.

04-8882 GROOMS, ROBERT L. V. JOHNSON, DIR., VA DOC

04-8883 HUNSINGER, MARTIN V. NEW JERSEY

04-8884 GARDNER, PATRICK V. WYNDER, SUPT., DALLAS, ET AL.

04-8885 TAYLOR, ALBERT G. V. TEXAS

04-8886 WASHINGTON, JUANITA V. AM. DRUG STORES, INC.

04-8890 JOHNSON, TROY W. V. DRETKE, DIR., TX DCJ

04-8895 ESHAN, PRINCE V. CALIFORNIA

04-8897 LAMAR-HOGAN, JANET V. GA DEPT. OF LABOR

04-8907 BINGHAM, RAYMOND A. V. DRETKE, DIR., TX DCJ

04-8910 APPLEBY, RICHARD A. V. BUTLER, WARDEN

04-8913 DULANEY, JAMES V. TONEY, WARDEN

04-8914 KING, TIMOTHY L. V. OHIO

04-8918 MILLS, THOMAS V. ILLINOIS

04-8922 DANIEL, ANTHONY V. FISCHER, SUPT., SING SING
04-8926 TYRELL, ANDRILL V. NEW YORK
04-8928 WOLFGANG, ERIC J. V. CHESNEY, SUPT., RETREAT, ET AL.
04-8929 WALKER, MICHAEL T. V. BEARD, SEC., PA DOC, ET AL.
04-8931 CERVANTE, CELESTINO V. PITCHER, WARDEN
04-8936 WALLS, JEFFREY G. V. SEC. ENFORCEMENT BUREAU OF NY
04-8941 JOHNSON, DAMION V. FATKIN, WARDEN
04-8943 JONES, LEONARD E. V. TEXAS
04-8944 SLOANE, RICHARD E. V. PORTUONDO, SUPT., SHAWANGUNK
04-8948 EYAJAN, SHEILA M. V. SMITH, CAROLYN E., ET AL.
04-8952 SUMBRY, LARRIANTE V. SHARP, ALLEN, ET AL.
04-8953 RAY, MICHAEL R. V. NEW JERSEY
04-8955 REDDEN, RICHARD V. RAFFERTY, WARDEN, ET AL.
04-8964 MITCHELL, WILLIAM G. V. MISSISSIPPI
04-8968 KEELING, MICHAEL E. V. SHANNON, SUPT., FRACKVILLE
04-8977 WATERS, MICHAEL L. V. SCHWARTZ, WARDEN
04-8978 DJAP, WILLY H. V. GONZALES, ATTY GEN.
04-8981 COOK, EDWARD L. V. SCRIBNER, WARDEN
04-8988 WILLIAMS, JASON O. V. ALABAMA
04-8997 McBANE, SCOTT V. REILLY, SHERIFF
04-9016 VAN HOEF, MARTINA V. BUREAU OF IMMIGRATION
04-9026 ADAMS, LAWRENCE L. V. TREON, WARDEN, ET AL.
04-9031 MARCUS, EDDIE M. V. NICHOLSON, SEC. OF VA
04-9041 CHRISTAKIS, NICHOLAS V. McMAHON, GERALD
04-9045 BRITO-DE FIGUEROA, MARIA, ET AL. V. GONZALES, ATTY GEN.
04-9078 GAYNOR, MICHAEL V. KYLER, SUPT., HUNTINGDON
04-9096 STEFFEN, JOHN S. V. CAREY, WARDEN
04-9120 COLEMAN, WILBERT C. V. LOUISIANA
04-9134 JOHNSON, RONNIE E. V. EMERSON, FLOYD E., ET AL.
04-9144 PARKS, JAMES E. V. UNITED STATES *with*
 04-9508 JOHNSON, ANTHONY M. V. UNITED STATES
04-9160 CAMP, LLOYD L. V. CALIFORNIA
04-9164 JACKSON, MARLON D. V. KANSAS
04-9175 BURDETTE, KEITH W. V. McBRIDE, WARDEN
04-9177 P. S. V. MONTANA
04-9181 WHITE, MELVIN V. SHANNON, SUPT., FRACKVILLE
04-9182 WESTLEY, RICHARD A. V. COLORADO
04-9192 LOPEZ, OSCAR V. LAMARQUE, WARDEN
04-9227 McCLELLAN, WILLIE E. V. PENNSYLVANIA, ET AL.
04-9231 REID, ANDREW V. FISCHER, SUPT., SING SING
04-9237 WOMACK, KENNETH A. V. LOUISIANA
04-9238 JOHNSON, FREDERICK D. V. CROSBY, SEC., FL DOC
04-9250 PETERSEN, TRAVIS D. V. HILL, SUPT., SNAKE RIVER
04-9252 TRIGONES, THEODORE V. MASSACHUSETTS
04-9269 HOLLIHAN, RICHARD V. SOBINA, SUPT., SOMERSET, ET AL.
04-9291 MORGAN, BRYAN K. V. LENSING, WARDEN
04-9311 BUSH, ROY V. SOBINA, SUPT., SOMERSET, ET AL.
04-9320 PERSON, LAWRENCE W. V. DOTSON, WARDEN
04-9324 MOORER, LAVERN V. UNITED STATES
04-9336 BOWEN, TRESA L. V. LOS ANGELES, CA
04-9366 GALDAMEZ, SALVADOR V. FISCHER, SUPT., SING SING
04-9380 WHIGHAM, JO V. SAN FRANCISCO, CA
04-9403 HUBANKS, ALPHONSO V. FRANK, SEC., WI DOC
04-9428 CLARK, CLIFTON V. MISSISSIPPI
04-9434 RICE, GLEN E. V. WYOMING
04-9443 SAID, ALBER I., ET UX. V. CIR
04-9476 CUTBIRTH, RICKEY D. V. WY DOC, ET AL.
04-9486 BROWN, BONNIE L. V. UNITED STATES
04-9492 TAYLOR, LARRY E. V. UNITED STATES
04-9495 CARBAJAL-DEPAZ, PEDRO V. UNITED STATES

04-9497 VOLIS, ALEXANDER V. UNITED STATES
04-9499 ATHANASIADES, CHRISTINA V. EDELMAN, HARLAN
04-9500 BRAMWELL, MARLON V. COMPTON, WARDEN
04-9501 BENETIZ, ARMONDO V. UNITED STATES
04-9504 PICKENS, DONNELL V. UNITED STATES
04-9514 RIVAS-MARTINEZ, JOSE V. UNITED STATES
04-9520 LASSITER, GRADY V. UNITED STATES
04-9521 MILLIGAN, HAMILI V. UNITED STATES
04-9522 PINKSTON, KENYATTA V. UNITED STATES
04-9525 JACKSON-BEY, ROBERT S. V. UNITED STATES
04-9526 BALLARD, SCOTTIE V. UNITED STATES
04-9527 SANDERS, JOE F. V. UNITED STATES
04-9529 McKENITH, ERIC H. V. UNITED STATES
04-9536 ROBINSON, CHRISTOPHER V. UNITED STATES
04-9551 SANCHEZ, JOSE V. UNITED STATES
04-9558 BECERRA, FERNANDO V. UNITED STATES

The petitions for writs of certiorari are denied.

03-1510 UNITED STATES V. INGRAM, ROHAN

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

04-1000 UNUM LIFE INS. CO. OF AM. V. FOUGHT, SHIRLEY O.

The motion of America's Health Insurance Plans, et al. for leave to file a brief as amici curiae is granted. The petition for a writ of certiorari is denied.

04-1056 EMC MORTGAGE CORPORATION V. STARK, STANLEY W., ET UX.

The motion of Chamber of Commerce of the United States, et al. for leave to file a brief as amici curiae is granted. The petition for a writ of certiorari is denied.

04-1233 BUTLER, DALLAS E., ET AL. V. FAA

The motion of AGE60Tule.com (Samuel D. Woolsey) for leave to file a brief as amicus curiae is denied. The petition for a writ of certiorari is denied.

04-8854 BUTTS, WAYNE D. V. CHERRY, SUPT., HAMPTON ROADS

The petition for a writ of certiorari before judgment is denied.

04-9020 YOWEL, HABAKKUK E. BEN V. JOHNSON, DIR., VA DOC, ET AL.

04-9203 REED, KENNETH W. V. ARIZONA, ET AL.

The motions of petitioners for leave to proceed in forma pauperis are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8. HABEAS CORPUS DENIED

04-9534 IN RE CHARLES YOUNG-COOPER

04-9595 IN RE JOHN H. BURRELL

04-9619 IN RE SALAHUDDIN ALI

The petitions for writs of habeas corpus are denied. MANDAMUS DENIED

04-8934 IN RE KEVIN M. CARDWELL

The petition for a writ of mandamus is denied. REHEARINGS DENIED

04-766 LAMERS DAIRY, INC. V. DEPT. OF AGRICULTURE

04-7400 STEVENSON, ALBERT L. V. BOYETTE, SUPT., NASH

04-7555 COVEY, OPAL V. NATURAL FOODS, INC.

04-7640 WOOTEN, ROSEMARY V. ST. FRANCIS MEDICAL CENTER

04-7687 TOMOSON, DENNIS C. V. MORGAN, SUPT., WA

04-7714 McGRAW, ANDREW V. CAIN, WARDEN
04-7733 JABAAY, CECILIA V. JABAAY, JAMES, ET AL.
04-7753 SIMMONS, RAYMOND V. MALONE, MAX, ET AL.
04-7887 McDANIEL, DANNY E. V. CRIST, ATT'Y GEN. OF FL, ET AL.
04-8002 VALLE, SACRAMENTO V. GA DOC
04-8003 HURST, JERRY A. V. TRW, INC.
04-8123 HASTINGS, WAYNE A. V. UNITED STATES
04-8202 GRICCO, CARMEN V. UNITED STATES
04-8284 LEACH, TIMOTHY V. OHIO
04-8377 POGGEMILLER, JAMES V. UNITED STATES
04-8555 ADAMSON, RICHARD J. V. USDC ND FL

The petitions for rehearing are denied.

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