

(ORDER LIST: 571 U.S.)

MONDAY, FEBRUARY 24, 2014

CERTIORARI -- SUMMARY DISPOSITIONS

- 13-439 CARMAX AUTO SUPERSTORES, ET AL. V. FOWLER, JOHN W., ET AL.
- The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the Court of Appeal of California, Second Appellate District for further consideration in light of *American Express Co. v. Italian Colors Restaurant*, 570 U. S. ____ (2013).
- 13-5997 FORD, SAMUEL B. 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 *Burrage v. United States*, 571 U. S. ____ (2014).
- 13-6733 SNIPES, MICHAEL 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 the position asserted by the Solicitor General in his brief for the United States filed on January 3, 2014.
- 13-7283 STORY, JOSEPH 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 the position asserted by the Solicitor General in his brief for the United States filed on January 8, 2014.

ORDERS IN PENDING CASES

12A239

MUHAMMAD, PATRICK J. V. USCA 4

The application for stay addressed to Justice Sotomayor and referred to the Court is denied.

13A654

JONES, PRIL, ET AL., V. GRIGGS, LUMAR

The application for stay addressed to Justice Ginsburg and referred to the Court is denied.

13A681

McDERMOTT, BARBARA V. PIFER, KEVIN

The application for stay addressed to Justice Sotomayor and referred to the Court is denied.

13A705

SMITH, MARVIN B., ET UX. V. COUNTRYWIDE HOME LOANS, INC.

The application for stay addressed to Justice Sotomayor and referred to the Court is denied.

13A776
(13-8374)

CARDWELL, WALTER T. V. PALMETTO BANK

The application for stay addressed to Justice Scalia and referred to the Court is denied.

13M74

DOE, JOHN V. HARRIS, ATT'Y GEN. OF CA

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

13M75

MOORE, MATTHEW M. V. SCHMIDT, JOE

13M76

HAYES, KEVIN L. V. ADAMS, WARDEN

13M77 DEWS, CLARENCE L. V. SUPERIOR COURT OF CA
The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

13M78 CUYLER, MARK J. V. AURORA LOAN SERVICES, ET AL.
The motion to direct the Clerk to file a petition for a writ of certiorari out of time under Rule 14.5 is denied.

13M79 RISEN, JAMES V. UNITED STATES
The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted.

13M80 HWANG, DOLLY, ET AL. V. REHOBOTH, MA
The motion to direct the Clerk to file a petition for a writ of certiorari out of time under Rule 14.5 is denied.

13M81 CONWAY, MARCUS C. V. UNITED STATES

13M82 GIOVANNIELLO, EARLE V. ALM MEDIA

13M83 MOORE, CLARENCE V. STEPHENS, DIR., TX DCJ

13M84 POLAND, WATSON V. BICKELL, SUPT., HUNTINGDON

13M85 COSBY, JEANNIE L. V. UNITED STATES
The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

12-10989 FABIAN, ALAN B. V. GUTTMAN, ZVI
The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

13-339 CTS CORPORATION V. WALDBERGER, PETER, ET AL.
The motion of petitioner to dispense with printing the joint appendix is granted.

13-6892 TAGOE, MARY ANNE V. DC DEPT. OF EMPLOYMENT

13-7046 DYDZAK, DANIEL D. V. USDC CD CA

13-7306 SIMS, CARLAYNE V. AMERICAN DEVELOPMENT GROUP

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

13-7426 JOHNSON, HARVEY R. V. UNITED STATES

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied. Justice Kagan took no part in the consideration or decision of this motion.

13-7709 TODD, CHARLES W. V. HEALEY, GEORGE P.

13-7749 NYANJOM, HAROLD M. V. HAWKER BEECHRAFT

13-7756 DEL GIORNO, LOUIS J. V. WV BD. OF MEDICINE

13-7789 BUSTOS, ERNEST V. RUBERA, PAUL S., ET AL.

13-7910 DELGADO, JOSEPH V. POLK, ROBERT, ET AL.

13-7929 GOSSAGE, HENRY E. V. MSPB

13-8111 MILLER, MARIANNA V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until March 17, 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

12-1401 LANE, MICHELLE, ET AL. V. HOLDER, ATT'Y GEN., ET AL.

12-10257 JOHNSON, WALTER L. V. UNITED STATES

12-10821) GARCIA, EDGAR B. V. UNITED STATES

)

13-5675) SNARR, MARK I. V. UNITED STATES

13-137 NRA, ET AL. V. ATF, ET AL.

13-138 BSH HOME APPLIANCES CORP. V. COBB, SHARON, ET AL.

13-174 ROJAS-PEREZ, ERASMO, ET UX. V. HOLDER, ATT'Y GEN.

13-274 MACKAY, DEWEY C. V. UNITED STATES
 13-275 VALDEZ-AVALOS, ROBERTO C. V. ILLINOIS
 13-304 McCARRON, JOHN R. V. UNITED STATES
 13-390 NRA, INC. V. McCRAW, STEVEN C.
 13-400 MERCHANT, SULEMAN V. HOLDER, ATT'Y GEN.
 13-411 MORTON, ALLEN, ET UX. V. U.S. BANK, N.A.
 13-430 SEARS, ROEBUCK AND CO. V. BUTLER, LARRY, ET AL.
 13-431 WHIRLPOOL CORPORATION V. GLAZER, GINA, ET AL.
 13-443) SCHUETTE, ATT'Y GEN. OF MI V. FERC
)
 13-445) HOOSIER ENERGY ELECTRIC, ET AL. V. FERC
 13-455 OFFICIAL COMM. OF UNSECURED V. AMERICAN UNITED LIFE INS.
 13-457 MORENO, CLAUDIA L. V. UNITED STATES
 13-462 CITGO ASPHALT REFINING, ET AL. V. FRESCATI SHIPPING CO., ET AL.
 13-494 WILLIAMS, GEORGE B. V. CALIFORNIA
 13-536 LEIMKUEHLER, ROBERT V. AMERICAN UNITED LIFE INSURANCE
 13-537 JENSEN, WADE, ET AL. V. SOLVAY CHEMICALS, INC., ET AL.
 13-538 HAWKINS, BERNARD V. UNITED STATES
 13-555 WOLFE, JUSTIN M. V. CLARKE, DIR., VA DOC
 13-564 DiCRISTINA, LAWRENCE V. UNITED STATES
 13-579 WILSON, SUPT., IN V. STITTS, TORRAY
 13-606 PATEL, KAMAL V. JOHNSON, SEC. OF HOMELAND
 13-620 BURBANK, CA V. DAHLIA, ANGELO
 13-621 BETLACH, TOM, ET AL. V. PLANNED PARENTHOOD AZ, ET AL.
 13-639 HATCHIGIAN, DAVID V. INT'L BROTHERHOOD, ET AL.
 13-646 RCS CAPITAL DEVELOPMENT V. ABC LEARNING CENTRES, ET AL.
 13-650 UNITED STATES, EX REL. NEWELL V. SAINT PAUL, MN
 13-654 Z. Q. V. STEPHENS, DIR., TX DCJ
 13-658 MATHIS, BURMAN Y. V. GOLDBERG, DAVID S., ET AL.

13-665 SKINNER, GORDON T. V. ADDISON, WARDEN
13-666 JONES, JEAN L. V. HSBC
13-675 OZINAL, EROL V. JOHNS HOPKINS HEALTH, ET AL.
13-676 TENNIS CHANNEL, INC. V. COMCAST CABLE COMM., ET AL.
13-686 JUSTICE, LORING E. V. USDC ED TN
13-691 SHELTON, JEFF, ET AL. V. GRAVELET-BLONDIN, DONALD, ET UX.
13-692 WALKER, TRACY V. TRINITY MARINE PRODUCTS, ET AL.
13-694 GARCIA, ENRIQUE A. V. AULT, WARDEN
13-695 WHITTAKER, VICTOR A. V. MORGAN STATE UNIVERSITY, ET AL.
13-698 MARTIN, DAWN V., ET AL. V. BRONDUM, JOHANNES, ET AL.
13-707 COOPER B-LINE, INC. V. CROSBY, PHILIP M.
13-709 SINCLAIR-ALLISON, INC. V. FIFTH AVENUE PHYSICIAN, ET AL.
13-710 DISMUKES, PAUL V. IL DEPT. OF EMPLOY. SEC., ET AL.
13-711 PAYNE, TOBIAS A. V. DECATUR, AL
13-713 JONES, GEORGE E. V. MONTGOMERY, AL
13-714 FIREBAUGH CANAL DISTRICT, ET AL. V. UNITED STATES, ET AL.
13-715 HIXSON, LORRAINE, ET VIR V. CITIMORTGAGE, INC., ET AL.
13-717 GULF STATES GROUP, INC. V. NUCOR CORP.
13-718 McBROOM, GRACIE V. DICKERSON, WAYNE
13-721 EWAN, DESHON, ET AL. V. HARTFORD CASUALTY INS., ET AL.
13-723 WILLOUGHBY, JOHN E., ET UX. V. UNITED STATES
13-726 SIMMONS, LAKISHA V. COUNTRYWIDE HOME LOANS, ET AL.
13-727 COX, RALPH V. DIRECTOR, OFFICE OF WORKERS
13-728 CURTIS, CHARLES, ET AL. V. ALCOA, INC., ET AL.
13-729 D. B., ET AL. V. KOPP, JAMES, ET AL.
13-730 PREWITT, MYRTLE L. V. MSU
13-734 CHRISTIE, BRIAN T. V. OBAMA, PRESIDENT OF U.S.
13-735 MEDINA, EFREN V. ARIZONA

13-736 DOE, JOHN V. HEIL, MARGARET, ET AL.

13-738 MAERSK LINE V. PADILLA, JOHN

13-741 MOORE, ROBERT L. V. AD HOC COMMITTEE, ET AL.

13-745 CASSENS TRANSPORT COMPANY V. LEWIS, JOYCE, ET AL.

13-746 KRAMER, ALLAN V. FEDERAL NATIONAL MORTGAGE ASSN.

13-747 MAHONING COUNTY, OH, ET AL. V. GRAVES, SHANNON, ET AL.

13-748 WAJDA, MARK V. HOLDER, ATT'Y GEN.

13-749 BROUSSARD, AUDREY, ET AL. V. MAPLES, WADE, ET AL.

13-750 AUSTIN AND LAURATO, P.A., ET AL. V. UNITED STATES

13-751 GREEN, JERILYN M. V. ILLINOIS

13-752 FAXON, MICHAEL C. V. UNITED STATES

13-753 BARTON, BERNARD V. HAYES, RYAN, ET AL.

13-755 MORSA, STEVE V. PATENT AND TRADEMARK OFFICE

13-757 JAFARI, EMMETT J. V. OLD DOMINION TRANSIT MAN CO.

13-760 TURZA, GREGORY P. V. HOLTZMAN, IRA

13-763 SALAMEH, TAMER, ET AL. V. TARSADIA HOTEL, ET AL.

13-764 BICKERSTAFF, CHARLES L. V. ILLINOIS

13-765 QUINN, JOHN G. V. TEXAS

13-766 RICH, ARON L. V. OHIO

13-769 WEST DUNDEE CHINA PALACE, ET AL. V. WELLINGTON HOMES, INC.

13-771 UESCO INDUSTRIES, INC., ET AL. V. POOLMAN OF WISCONSIN, INC.

13-773 ROYAL AMERICAN MANAGEMENT, INC. V. WOLFF, PHYLLIS

13-774 SIEGEL, JEFFREY, ET AL. V. HYATT INTERNATIONAL, ET AL.

13-779 EARNEST, WESLEY B. V. VIRGINIA

13-782 SANAI, FREDRIC V. WA STATE BAR ASSN.

13-783 AYERS, BETTY J. V. SHEETZ, INC.

13-784 HOUSTON, TX V. REA, TERESA S.

13-785 STOREY, THOMAS R. V. KELLERHER, JOHN P.

13-792 STINN, BRADLEY J. V. UNITED STATES
13-798 DOTY, RUSSELL L. V. MOLNAR, BRADLEY
13-801 BELL, WALTER E. V. GEORGIA
13-805 MONTANA V. HOLDER, ATT'Y GEN.
13-808 SWANSON, SCOTT V. UNITED STATES
13-809 STEPOVICH, NICHOLAS V. ALASKA
13-810 NELSON, RUTH V. SHANE, RAINEY, ET AL.
13-816 BRUNSON, DERON G. V. AURORA LOAN SERVICES
13-821 FLINT, EDWARD H. V. McDONALD, JUDGE, ETC.
13-828 DIAMOND, NORMAN D., ET UX. V. UNITED STATES
13-831 SELVAGGIO, MARY P. V. FEDERAL RETIREMENT THRIFT INVEST
13-832 PERRY, JEFFREY C. V. UNITED STATES
13-839 FOX, ATT'Y GEN. OF MT, ET AL. V. SANDERS COUNTY REPUBLICAN COMM.
13-840 AGERTON, GARY H., ET AL. V. PILGRIM'S PRIDE CORPORATION
13-843 HORRAS, THOMAS M. V. AMERICAN CAPITAL STRATEGIES
13-844 GORDON, RONI V. REA, TERESA S.
13-845 SHETTY, SATISH V. UNITED STATES
13-904 GENOVA, RON V. BANNER HEALTH, ET AL.
13-5319 GREEN, SPURGEON V. UNITED STATES
13-5603 NAMVAR, EZRI V. UNITED STATES
13-5756 HAGANS, MARK W. V. COLVIN, ACTING COMM'R, SOCIAL
13-5808 GONZALEZ-SILVA, SALVADOR V. UNITED STATES
13-5998 BYROM, MICHELLE V. EPPS, COMM'R, MS DOC
13-6006 JORDAN, LEWIS M. V. PENNSYLVANIA
13-6149 RUELAS, JUAN M. V. UNITED STATES
13-6384 PERRY, TYRONE V. McCALL, WARDEN
13-6556 ESLER, KEVIN D. V. UNITED STATES
13-6851 GUTIERRES-LANDEROS, JOSE V. UNITED STATES

13-6852 FERNANDEZ-RUBIO, JOSE V. UNITED STATES
13-6874 OTUYA, OKECHUKWO E. V. UNITED STATES
13-7034 CANNON, ANDREA J. V. WELLS FARGO BANK, N.A., ET AL.
13-7042 JONES, JEFFREY V. PREMO, SUPT., OR
13-7050 PATTERSON, MICHAEL D. V. NEVADA
13-7058 BROWN, LANCE V. UNITED STATES
13-7146 CRAWFORD, CHARLES R. V. EPPS, COMM'R, MS DOC
13-7266 MENDEZ, LAWRENCE V. UNITED STATES
13-7320 GRONER, WILLIAM V. SHINSEKI, SEC. OF VA
13-7334 PICKETT, RICKY V. ALLEN, KENNETH, ET AL.
13-7342 SHOCKLEY, LANCE C. V. MISSOURI
13-7456 MOORE, CALVIN J. V. UNITED STATES
13-7491 HERNANDEZ, ROBERT V. ARIZONA
13-7544 PERSONIUS, MARC W. V. CLARKE, DIR., VA DOC
13-7550 SIEVERS, CHARLES W. V. CLARKE, DIR., VA DOC
13-7553 ROGERS, GLEN V. CALIFORNIA
13-7563 JAMERSON, KEITH V. RUNNELS, WARDEN
13-7566 BOGANY, ROBERT A. V. STEPHENS, DIR., TX DCJ
13-7567 BITON, CRYSTAL V. LIPPERT, MICHAEL, ET AL.
13-7570 KIRK, ROOSEVELT V. FLORIDA
13-7572 LEGG, RONALD L. V. SOUTH CAROLINA, ET AL.
13-7573 JONES, CURTIS V. HOFFNER, WARDEN
13-7577 ADAMS, KENJUAN D. V. GROUNDS, WARDEN
13-7581 TOMPKINS, CURTIS T. V. ROGERS, DOROTHY, ET AL.
13-7582 WHITE, LARRY L. V. SOTO, WARDEN
13-7583 VAUGHT, ELBERT L. V. UGWUEZE, G., ET AL.
13-7584 ZAMORA, OSCAR L. V. BEARD, SEC., CA DOC
13-7588 THOMPSON, CRAIG V. LaVALLEY, SUPT., CLINTON

13-7589 WILLIAMS, ANTONIO D. V. FALK, WARDEN, ET AL.
13-7593 MYERS, JASON T. V. WIETE, STASON L., ET AL.
13-7598 MENDIA, EDDIE V. WELLINGTON, KS
13-7599 McWILLIAMS, GREGORY D. V. SCHUMACHER, JAMES T., ET AL.
13-7603 MASSAD-WILLIAMS, JULIENNE V. CREWS, SEC., FL DOC, ET AL.
13-7609 BLAKE, ARTHUR V. CONNOLLY, SUPT., FISHKILL
13-7614 McCUTCHEN, FREDDY V. WENEROWICZ, SUPT., GRATERFORD
13-7618 PARKER, LESLIE G. V. CALIFORNIA
13-7622 VAUGHN, ALLEN E. V. ZATECKY, SUPT., PENDLETON
13-7629 MAYS, MICHAEL V. DAVENPORT, WARDEN, ET AL.
13-7630 KEELER, QUINCEY V. ARAMARK
13-7631 LITTLE, NATHAN V. WORKERS' COMPENSATION, ET AL.
13-7634 ALFORD, CRAIG V. PA BD. OF PROBATION, ET AL.
13-7639 GREEN, LANCE W. V. TRIMBLE, WARDEN
13-7640 HAGGERTY, LONNIE D. V. SAUERS, SUPT., FOREST, ET AL.
13-7641 IRBY, TERRANCE J. V. O'NEILL, SGT., ET AL.
13-7649 ROULHAC, CLARENCE V. JANEK, B. S.
13-7650 STRATTON, SOLOMON V. MECKLENBURG COUNTY DEPT. OF SS
13-7651 RAMIREZ, JOSE R. V. LEWIS, WARDEN
13-7652 DAVIS, CHARLES T. V. KELSO, CLARK J., ET AL.
13-7667 POUNCY, OMAR R. V. MICHIGAN
13-7668 YBARRA, AMBER V. HOOTS, LeROY
13-7669 ROOKS, RODERIC M. V. MICHIGAN
13-7672 BAGLEY, DEAN V. SINCLAIR, SUPT., WA
13-7686 CRUMP, ROGER V. ILLINOIS
13-7687 DORSEY, CHARLES R. V. STEPHENS, DIR., TX DCJ
13-7689 COOK, DARRYL L. V. UNITED STATES
13-7702 EVERSOLE, AUSTIN D. V. STEPHENS, DIR., TX DCJ

13-7706 DENSON, OWEN D. V. FLORIDA
13-7707 CASEY, JOHN H. V. WASHINGTON
13-7712 DOYLE, ANTHONY D. V. STEPHENS, DIR., TX DCJ
13-7716 HOWELL, PAUL V. CREWS, SEC., FL DOC
13-7717 WILLIAMS, JEROME A. V. OZMINT, JON, ET AL.
13-7720 JOYNER, LEVERN V. CHATMAN, WARDEN, ET AL.
13-7721 KAISER, RANDY V. TEXAS
13-7722 LUCERO, ANTHONY V. ARCHULETA, WARDEN, ET AL.
13-7726 BARNETT, JAMES H. V. STEPHENS, DIR., TX DCJ
13-7728 TORNS, CHARLES V. McMILLIN, SHERIFF, ET AL.
13-7729 WILLIAMS, JONATHAN C. V. FLORIDA
13-7730 WILLIAMS, MICHAEL B. V. PHILLIPS, DEBBIE, ET AL.
13-7731 ZINNERMAN, ERIC L. V. FLORIDA
13-7735 SANCHEZ-TORRES, HECTOR G. V. FLORIDA
13-7736 SABER, MARY, ET AL. V. SABER, SAM
13-7737 RHODES, BERNARD V. HILL, WARDEN
13-7739 EVERETT, CHRISTOPHER D. V. HARDY, WARDEN
13-7741 CLEVELAND, CHRISTOPHER V. HAVANEK, WARDEN
13-7742 EDENFIELD, DAVID V. GEORGIA
13-7744 ALTON, WILLIAM E. V. JOHNSON, OFFICER, ET AL.
13-7750 PRASAD, ASHISH V. V. HILL, WARDEN
13-7753 MORRIS, RAYMOND V. CREWS, SEC., FL DOC, ET AL.
13-7758 LOPEZ, JOSE V. CALIFORNIA
13-7759 SPENCER, EDMOND D. V. LOUISIANA
13-7760 BROWN, REGINALD V. HOFFNER, WARDEN
13-7763 VENZIE, RANDALL K. V. YATAURO, ADM'R, ADULT DIAGNOSTIC
13-7764 VAULTS, EARL L. V. U.S. BANK, ET AL.
13-7767 JAMESON, DONALD L. V. TEXAS

13-7775 McCOLLISTER, ERIC C. V. CAMERON, SUPT., CRESSON, ET AL.
13-7776 MURRAY, JAMES V. BUREAU OF PRISONS, ET AL.
13-7778 TRIMBLE, JAMES V. BOBBY, WARDEN
13-7779 HALL, TRAVIS P. V. UTAH
13-7781 EVANS, BRIAN V. HAMPTON, NH, ET AL.
13-7782 CHRISTOPHER, CLEO A. V. ST. VINCENT DE PAUL, ET AL.
13-7786 JACKSON, FREDERICK L. V. SUPERIOR COURT OF CA, ET AL.
13-7791 GILLIS, JOHN A. V. KLEE, WARDEN
13-7792 GREEN, MICHAEL J. V. PRICE, WARDEN, ET AL.
13-7793 SINGER, JAMES M. V. BUREAU OF PROFESSIONAL, ET AL.
13-7794 FILER, MYRNA J. V. POLSTON, CRAIG, ET AL.
13-7795 HERRERA, ROBERTO V. PAIN MANAGEMENT STAFF
13-7796 HARTMANN, DETLEF F. V. JOHNSON, WARDEN, ET AL.
13-7797 GORE, LOGAN L. V. GLEBE, WARDEN
13-7798 HOWE, PAUL K. V. BELKNAP, SHAWN A., ET AL.
13-7800 HARRISON, WILLIAM F. V. STEELE, WARDEN
13-7801 HALE, CHARLES L. V. BEARD, SEC., CA DOC
13-7805 JACKSON, DERRON V. BAMBERG, OFFICER, ET AL.
13-7806 MUSSA, MANSA K. V. DORMIRE, DAVE, ET AL.
13-7807 MORRISON, ANTHONY V. OKLAHOMA
13-7809 BILLINGS, CARSON V. SUPERIOR COURT OF CA, ET AL.
13-7810 ARROCHA, JOSE L. V. CITY UNIVERSITY OF NY, ET AL.
13-7813 QUINTANA, CARMELO V. CHANDLER, WARDEN
13-7815 DAY, JASON S. V. OKLAHOMA
13-7816 LEMKE, ROBERT V. RYAN, DIR., AZ DOC, ET AL.
13-7825 JOHNSON, IRENN H. V. ULINE, INC.
13-7827 BOX, KEITH D. V. STEELE, WARDEN
13-7828 EVANS, BRIAN V. MA NURSES ASSOCIATION, ET AL.

13-7831 MOORE, TEDDY V. BRAMWELL, CHRISTOPHER, ET AL.
13-7833 ORTIZ, GREGORIO R. V. USDC CD CA
13-7834 PASTOR, ELIZABETH V. PARTNERSHIP FOR CHILDREN
13-7838 VALDEZ, RUBEN V. CATE, MATTHEW L., ET AL.
13-7841 TAYLOR, CHANEL E. V. OMEECHEVARRIA, ELISA M.
13-7842 WILLIAMS, MICHAEL B. V. COLEMAN, BRUCE, ET AL.
13-7855 BLACK, ROBERT V. CALIFORNIA
13-7856 BORJA, JOSE A. V. BEARD, SEC., CA DOC
13-7857 BELL, JACOB M. V. BATSON, DEPUTY WARDEN, ET AL.
13-7858 FOSTER, KENNETH A. V. MICHIGAN
13-7859 BJORK, RAYMOND R. V. NEW YORK
13-7861 SEGURA, EDDY V. HOUSTON, DIR., NE DOC
13-7863 YBARRA, AMBER V. ARKANSAS
13-7866 PAOLINO, RICHARD G. V. GLUNT, SUPT., HOUTZDALE, ET AL.
13-7870 PATTERSON, CHESTER V. CIRCUIT COURT OF MI
13-7871 COLEMAN, LISA A. V. STEPHENS, DIR., TX DCJ
13-7872 PETTWAY, JOHN V. CREWS, SEC., FL DOC, ET AL.
13-7873 SHANNON, JOHN V. COLVIN, ACTING COMM'R, SOCIAL
13-7878 KRIEGER, JONATHAN J. V. NORTH CAROLINA
13-7879 BRESNAHAN, GRANT V. ROY, COMM'R, MN DOC
13-7880 LEGGETT, LARRY V. BATES, DELORES, ET AL.
13-7882 LaPOINTE, PHILLIP V. ILLINOIS
13-7884 GIVENS, MICHAEL V. LAMAS, SUPT., ROCKVIEW, ET AL.
13-7885 HER, KINSON V. JACQUEZ, WARDEN
13-7897 CARTER, NICKOL E. V. HOBBS, DIR., AR DOC
13-7900 BITON, CRYSTAL V. ABRUTYN, MORGAN M., ET AL.
13-7903 WARNER, DANNY L. V. PATTERSON, TOM, ET AL.
13-7904 WASHINGTON, RODNEY V. WISCONSIN

13-7905 DALTON, BRADFORD V. NEW HAMPSHIRE
13-7907 COOK, STEVEN H. V. FLORIDA
13-7912 FRANK, KENNETH A. V. LOPEZ, WARDEN
13-7914 FLORES, JUAN V. BEARD, SEC., CA DOC
13-7915 HARRIS, LARRY V. CAIN, WARDEN
13-7922 BOZELKO, CHANDRA V. CONNECTICUT
13-7923 WELCH, ELMORE S. V. COLVIN, CAROLYN W.
13-7925 GIDDINGS, JEFFREY V. KERESTES, SUPT., MAHANAY, ET AL.
13-7927 GRESSETT, STEPHEN A. V. FLORIDA
13-7935 WHITLEY, CLYDE K. V. STRADA, FRANK, ET AL.
13-7936 WILSON, LINWOOD E. V. WILSON, BARBARA B.
13-7939 FABRICIO, EDERICK V. LaVALLEY, SUPT., CLINTON, ET AL.
13-7940 GEORGE, PAULA D. V. MABUS, SEC. OF NAVY
13-7941 FREEMAN, JASON T. V. WATSON, WARDEN
13-7942 HAMZE, ABDELAZIZ B. V. STEELE, SPENCER, ET AL.
13-7943 HOWARD, DONALD R. V. LANGSTON, DAVID, ET AL.
13-7944 GOOSBY, NICHOLAS D. V. TRAMMELL, WARDEN
13-7947 RICHERT, TIMOTHY R. V. TEXAS
13-7949 NEWKIRK, KENNETH V. VIRGINIA
13-7950 ARABZADEGAN, LUKE M. V. TEXAS
13-7951 KECKEISSEN, F. GORDON V. PENNSYLVANIA
13-7953 MARTINEZ, CHRISTOPHER V. ARTUS, SUPT., WENDE
13-7956 MANNING, GERALD E. V. NORTH CAROLINA
13-7957 LONG, ORZELL V. SAN FRANCISCO, CA, ET AL.
13-7958 KING, HATTIE L. V. WHARTON, MAYOR, ET AL.
13-7960 TURNER, HELEN J. V. SHINSEKI, SEC. OF VA
13-7961 WILLIAMS, CHAUNCEY A. V. WASHINGTON, G. K., ET AL.
13-7962 SMITH, DERRICK V. PERRY, WARDEN

13-7963 HINES, THOMAS C. V. WHITE, CYNTHIA
13-7964 HEARD, KEVIN T. V. ASHBY, FORREST J., ET AL.
13-7965 HERNANDEZ, GREGORY M. V. PARKER, WARDEN
13-7968 GLASER, DOUGLAS A. V. EVERETT, V., ET AL.
13-7969 FRANKLIN, RUTHIE V. WORKERS' COMP., ET AL.
13-7970 HILL, KENTRELL K. V. HOBBS, DIR., AR DOC
13-7971 FOSTER, MICHAEL V. ROMANOWSKI, WARDEN
13-7972 HOWARD, CHRISTOPHER V. CARTLEDGE, WARDEN
13-7973 GONZALEZ, FELIPE V. MARTEL, WARDEN
13-7974 GOODMAN, KEITH D. V. JOHNSON, GENE M., ET AL.
13-7975 HAWKINS, DON N. V. DEBOO, WARDEN
13-7976 GREEN, TYRONE V. WOLFE, WILLIAM, ET AL.
13-7977 HARPER, HENRY N. V. GUERNSEY COUNTY SHERIFF
13-7978 IBRAHIM, KAREEM V. UNITED STATES
13-7983 THRASHER, DAVID V. MISSOURI
13-7984 YAACOV, ABRAHAM V. COLLINS, TERRY J., ET AL.
13-7989 RUBALCAVA, LIONEL V. FELKER, WARDEN
13-7992 JONES, RUFUS V. UNIVERSITY OF ROCHESTER, ET AL.
13-7993 KING, CECIL S. V. FLORIDA
13-7994 KLEIM, CRAIG V. SUPERIOR COURT OF CA, ET AL.
13-8003 ALVARADO, RAFAEL V. ILLINOIS
13-8006 WASHINGTON, KEITH D. V. BERGHUIS, WARDEN, ET AL.
13-8009 PHILLIPS, JON R. V. COLORADO
13-8010 P. A. V. CALIFORNIA
13-8011 WHITE, DONNA J. V. NATIONAL CHURCH RESIDENCE, ET AL.
13-8014 RENDELMAN, SCOTT L. V. WAMPLER, J., ET AL.
13-8016 RODRIGUEZ, CHARLES V. WELCH, WARDEN
13-8019 GIST, LAMONT V. WENEROWICZ, SUPT., GRATERFORD

13-8020 HOWARD, JOSHUA V. TERRY, BYRON, ET AL.
13-8023 SHAFFORD, WARREN V. CHANDLER, WARDEN
13-8033 MATTHEWS, ALEXANDER V. UNITED STATES
13-8039 CLARK, ANTHONY V. UNITED STATES
13-8040 CARTHORNE, JOLON D. V. UNITED STATES
13-8043 POWELL, BOOKER A. V. UNITED STATES
13-8044 MATTHEWS, MICHAEL V. UNITED STATES
13-8046 PENDLETON, CHARLIE W. V. UNITED STATES
13-8047 SOUTHERLAND, JOSHUA V. UNITED STATES
13-8048 OLIVAS-CASTANEDA, ULFRANO V. UNITED STATES
13-8049 MELENDEZ, DANIEL G. V. UNITED STATES
13-8052 JACKSON, JERRY L. V. UNITED STATES
13-8053 PRATT, RENEE G. V. UNITED STATES
13-8056 BARNETT, ANDREW L. V. UNITED STATES
13-8057 ARNOLD, JOSEPH V. UNITED STATES
13-8059 SADLER, SHAWN V. UNITED STATES
13-8060 WASHINGTON, MARIO D. V. UNITED STATES
13-8061 DAMON, JAMES V. UNITED STATES
13-8062 MEREDITH, GARY D. V. WASHINGTON
13-8063 MILLER, TERRENCE V. NEW JERSEY
13-8064 OKOYE, AUGUSTUS V. UNITED STATES
13-8066 RODRIGUEZ, EDDIE M. V. UNITED STATES
13-8069 ABDILLAHI, HASSAN M. V. MINNESOTA
13-8070 AYIKA, PETER V. V. UNITED STATES
13-8071 SEDANO-CHAVEZ, JOSE V. UNITED STATES
13-8073 JONES, GERALDRICK V. LESTER, WARDEN
13-8074 KORBE, ROBERT V. UNITED STATES
13-8075 LEWIS, MICHAEL V. UNITED STATES

13-8078 MARTINEZ-BARRERA, ALEJANDRO V. UNITED STATES
13-8079 CROSS, TYRONE V. UNITED STATES
13-8080 CASTRO, ARMANDO A. V. UNITED STATES
13-8081 THORNTON, ANTOINE J. V. CLARKE, DIR., VA DOC
13-8082 ABRONE, ROBERT L. V. FRANKE, SUPT., TWO RIVERS
13-8083 DUMAS, ROY V. MASSACHUSETTS
13-8084 DIAZ, ENRIQUE V. MONTGOMERY, ACTING WARDEN
13-8085 BUTSCH, CLAYTON E. V. OBENLAND, SUPT., CLALLAM BAY
13-8086 SCOTT, NARICCO T. V. UNITED STATES
13-8088 LOPAPA, PAUL J. V. UNITED STATES
13-8089 KNOWLES, SAMUEL V. UNITED STATES
13-8090 SMITH, FREDERICK J. V. VIRGINIA
13-8091 SHIRLEY, ROBERT E. V. WHITE, WARDEN
13-8092 SECHLER, CHARLES J. V. UNITED STATES
13-8093 MASON, GARY V. UNITED STATES
13-8098 LEE, CHRISTOPHER V. LORANTH, VICTOR
13-8099 ROBLES, ALBERT T. V. UNITED STATES
13-8102 BROECKER, DAVID V. UNITED STATES
13-8103 REQUEJO, ABDON V. UNITED STATES
13-8104 ALVAREZ, SERGIO V. UNITED STATES
13-8105 BECK, PRINCE P. V. UNITED STATES
13-8106 ELLIOTT, JEREMY V. FLORIDA
13-8108 OCHOA, MICHAEL R. V. RUBIN, ERIN
13-8110 MYERS, JASON T. V. PHILLIPS, LINDA, ET AL.
13-8113) PARKER, FELICIA V. UNITED STATES
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13-8171) LAWRENCE, ADE V. UNITED STATES
13-8117 KOHRING, VICTOR H. V. UNITED STATES
13-8118 MATHIS, JERMAINE V. UNITED STATES

13-8119 OLIVER, ANTHONY L. V. CALIFORNIA
13-8121 RASHID, HAKIM A. V. UNITED STATES
13-8122 PARKER, ANDREW M. V. UNITED STATES
13-8130 CASIMIRO, HECTOR V. UNITED STATES
13-8132 THOMAS, IVAN V. UNITED STATES
13-8133 TILLMAN, MARTIN T. V. UNITED STATES
13-8134 WILLIAMS, SHANNON V. UNITED STATES
13-8140 SMITH, RAPHEL V. UNITED STATES
13-8141 BROWN, DONALD F. V. UNITED STATES
13-8143 BUTLER, AMILCAR C. V. UNITED STATES
13-8145 JOHNSON, THOMAS D. V. UNITED STATES
13-8146 LEWIS, THERON V. UNITED STATES
13-8149 MACK, RODNEY B. V. UNITED STATES
13-8151 TURNER, BILLY D. V. FLORIDA
13-8152 VAN, ANTHONY V. UNITED STATES
13-8156 DALE, KIM V. UNITED STATES
13-8157 TORRES-LEON, GULMARO V. UNITED STATES
13-8160 RANERO, OBED A. V. UNITED STATES
13-8162 SPRAGUE, SHEMIKA D. V. TEXAS DEPT. OF FAMILY, ET AL.
13-8163 SHOTTS, RANDALL V. WETZEL, SEC., PA DOC, ET AL.
13-8164 STEWART, TERRY W. V. MARTIN, WARDEN
13-8167 MALONE, LONNIE V. UNITED STATES
13-8169 KENDRICK, JAMES D. V. USDC WD NY
13-8174 MOORE, WENDELL V. UNITED STATES
13-8175 DOHAN, WILLIAM S. V. UNITED STATES
13-8176 MITAN, KENNETH V. UNITED STATES
13-8177 LUNA-MAGDALENO, ELIZARDO V. UNITED STATES
13-8178 KELLY, HOWARD V. UNITED STATES

13-8179 LOPEZ-CUEVAS, FERNANDO V. UNITED STATES
13-8187 BRANIGH, LEOTIS B. V. IDAHO
13-8188 OGUNFUNWA, ABEL V. UNITED STATES
13-8189 RAINEY, TIMOTHY O. V. UNITED STATES
13-8190 NORVELL, JEREMY D. V. UNITED STATES
13-8191 CAMPBELL, GEORGE R. V. UNITED STATES
13-8193 RODRIGUEZ, ANTONIO V. UNITED STATES
13-8194 REVELS, ROBERT V. UNITED STATES
13-8196 SAMAYOA, CARLOS V. FLORIDA
13-8199 JOHNSON, JOSHUA V. FEATHER, WARDEN
13-8201 SWISHER, JERRY L. V. CREWS, SEC., FL DOC
13-8205 BROUGHTON, CEPEDA V. UNITED STATES
13-8206 NORWOOD, GREGORY L. V. VANCE, STEVE J., ET AL.
13-8218 GRAYSON, TIMOTHY V. UNITED STATES
13-8219 RODGERS, LARRY V. UNITED STATES
13-8220 SPRINGSTON, BOBBY L. V. UNITED STATES
13-8225 HARPER, LAWRENCE, ET AL. V. UNITED STATES
13-8231 REED, EDDIE J. V. UNITED STATES
13-8232 GARZA, JOSE E. V. UNITED STATES
13-8233 GUEVARA, SUSANA V. UNITED STATES
13-8236 GRZYMSKI, JOHN V. UNITED STATES
13-8237 HARRIS, WALTER V. UNITED STATES
13-8238 AUSTIN, KEITH B. V. UNITED STATES
13-8241 DIAZ-CORREA, JESUS M. V. UNITED STATES
13-8242 JACKSON, DANA V. UNITED STATES
13-8244 HUDSON, GEORGE C. V. UNITED STATES
13-8246 PRESCOTT, RAYMOND V. UNITED STATES
13-8248 MOORE, TEDDY V. T-MOBILE USA INC.

13-8250 COX, DEMUNTRAY D. V. UNITED STATES
13-8255 HALL, SHAREE M. V. UNITED STATES
13-8257 MORALES-BELTRAN, JULIO V. UNITED STATES
13-8258 PENA, PEDRO V. UNITED STATES
13-8259 OATES, DIANE C. V. UNITED STATES
13-8260 WALTERS, TOMMY V. UNITED STATES
13-8263 GUZMAN, ROBERTO H. V. UNITED STATES
13-8264 LUCAS, RODNEY V. UNITED STATES
13-8265 STEPHENS, THOMAS C. V. UNITED STATES
13-8267 SEGURA-GOMEZ, ALVARO V. UNITED STATES
13-8268 SCHUERER, GERALD, ET UX. V. UNITED STATES
13-8269 BARNES, ANDRE V. UNITED STATES
13-8271 GOODWIN, GORDON M. V. UNITED STATES
13-8276 MARTINEZ-VELEZ, DAVID S. V. UNITED STATES
13-8279 TESSENEER, BILLY D. V. UNITED STATES
13-8280 VANHOLTEN, WILLIAM V. UNITED STATES
13-8283 MORRIS, JAMES A. V. UNITED STATES
13-8287) ESCALERA, EDUARDO V. UNITED STATES
13-8288) ESCALERA, DAVID V. UNITED STATES
13-8289 DAILY, LARRY A. V. FLORIDA
13-8291 REDD, GARFIELD V. UNITED STATES
13-8292 SEIBLES, JOSHUA J. V. UNITED STATES
13-8295 JERNIGAN, CHRISTOPHER V. BAKER, WARDEN
13-8299 PEEL, GARY E. V. UNITED STATES
13-8302 CORREA, DAVID V. UNITED STATES
13-8304 VASQUEZ, RICHARD V. UNITED STATES
13-8305 UGOCHUKWU, CHRISTOPHER V. UNITED STATES
13-8311 ODUU, NDEM V. UNITED STATES

13-8313 CARRINGTON, DERRICK V. DISTRICT OF COLUMBIA
13-8320 MATTOX, GEORGE V. UNITED STATES
13-8321 MABRY, BRUCE A. V. UNITED STATES
13-8323 GALLARDO-BEJARANO, JOSE V. UNITED STATES
13-8327 GONZALEZ-RIVERA, JOSE V. UNITED STATES
13-8330 GUNN, RODERICK V. UNITED STATES
13-8334 PARK, KENNETH S. V. UNITED STATES
13-8335 ORTIZ, MIGUEL V. UNITED STATES
13-8338 BLOOMGARDEN, HOWARD V. BUREAU OF PRISONS, ET AL.
13-8342 WALKER, BILLY V. UNITED STATES
13-8344 TALAVERA-RUIZ, ANTONIO V. UNITED STATES
13-8345 THOMAS, JAYVON R. V. UNITED STATES
13-8347 TINSLEY, ROBERT N. V. UNITED STATES
13-8348 WILLIAMS, DE'ANDRE V. UNITED STATES
13-8349 TURRENTINE, JULIUS L. V. UNITED STATES
13-8355 TOKLEY, DANA T. V. SANTIAGO, ADM'R, NJ, ET AL.
13-8356 ORTIZ LOPEZ, SATURNINO V. UNITED STATES
13-8357 LOPEZ-GONZALO, MARTIN V. UNITED STATES
13-8360 PORTILLO-MERINO, BALMORE V. UNITED STATES
13-8361 RAND, MARCUS S. V. UNITED STATES
13-8362 RICHARDSON, PEARLINE V. UNITED STATES
13-8367 KELLER, GERALD V. FLORIDA
13-8368 ALI, SUADO M., ET AL. V. UNITED STATES
13-8376 BROOKS, GLENN V. UNITED STATES
13-8378 JOINER, DAMON V. UNITED STATES
13-8379 TAYLOR, EDDIE V. UNITED STATES
13-8380 MORALES-MARTINEZ, MIGUEL A. V. UNITED STATES
13-8381 JORDAN, ELBERT V. UNITED STATES

13-8382 LOOMAN, JAMES H. V. UNITED STATES
13-8383 MOORE, JAFARI T. V. UNITED STATES
13-8386 LEDESMA, LUIS C. V. UNITED STATES
13-8387 BRACEY, DARRELL V. UNITED STATES
13-8388 LOPEZ, DEMECIO V. UNITED STATES
13-8476 OWENS, SIR M. V. COLORADO

The petitions for writs of certiorari are denied.

13-389 PENNSYLVANIA V. CHAMPNEY, RONALD G.

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

13-413 MICHIGAN V. CLARY, RAYFIELD

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

13-524 MASTERY CHARTER SCHOOL V. R. B.

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

13-593 MINNESOTA V. SAGO, ESAU C.

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

13-655 ROBERTSON, DUNCAN K. V. GMAC MORTGAGE, ET AL.

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

13-685 FEDERAL TREASURY, ET AL. V. SPI SPIRITS LIMITED, ET AL.

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

13-687 CACIOPPO, MICHAEL V. VAIL, CO

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

13-737 AUBUCHON, LISA M. V. STATE BAR OF ARIZONA

The motion of Susan Rose Smith-Schildmeyer, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

13-781 EVERTSON, KRISTER S. V. UNITED STATES

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

13-7664 JONES, WALLACE C. V. FLORIDA

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

13-7708 DANIEL, FRANTZ V. LOWE'S HOME CENTERS, INC.

The petition for a writ of certiorari is denied. Justice

Breyer took no part in the consideration or decision of this petition.

13-7826 LAWHORN, GLENN V. WRIGHT, WARDEN

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

13-7876 JOHNSON, ZACHARY, ET AL. V. HOLDER, ATT'Y GEN., ET AL.

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

13-7911 COBBLE, DANIEL E. V. OWENS, COMM'R, GA DOC, ET AL.

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

13-7938 TATE, JAMES L. V. FLORIDA

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner

unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

13-8067 KHALIL, MOHAMMED V. UNITED STATES

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

13-8127 PAYNE, ADRIAN V. UNITED STATES

13-8166 MCKAY, JAMAUL R. V. UNITED STATES

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

13-8168 LAI, DENNIS C. V. IPSON, ET AL.

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

13-8282 SUTTON, BRUCE D. V. UNITED STATES

The motion of petitioner to defer consideration of the petition for a writ of certiorari is denied. The petition for a writ of certiorari is denied.

13-8315 SETTLE, KELVIN V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the

petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). Justice Kagan took no part in the consideration or decision of this motion and this petition.

HABEAS CORPUS DENIED

13-8229 IN RE JONATHAN M. EVANS
13-8235 IN RE JAMES B. HAAG
13-8277 IN RE ELTON G. WOODARD
13-8297 IN RE OSCAR WILLIAMS
13-8316 IN RE JAMES THOMPSON
13-8460 IN RE IRA G. TUCKER
13-8484 IN RE DERRICK GODFREY

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

13-7888 IN RE CRYSTAL BITON
13-8173 IN RE MYRON McPHATE

The petitions for writs of mandamus are denied.

13-7558 IN RE BILLY KIDWELL, ET UX.

The petition for a writ of mandamus and/or prohibition is denied.

13-7895 IN RE DANIELLE BITON
13-7918 IN RE DANIELLE BITON

The motions of petitioner for leave to proceed *in forma pauperis* are denied, and the petitions for writs of mandamus are dismissed. See Rule 39.8.

13-7937 IN RE ULYSSES T. WARE

The petition for a writ of mandamus and/or prohibition is denied. Justice Sotomayor took no part in the consideration or

decision of this petition.

PROHIBITION DENIED

13-7889 IN RE CRYSTAL BITON

The petition for a writ of prohibition is denied.

13-7890 IN RE DANIELLE BITON

13-7891 IN RE DANIELLE BITON

13-7894 IN RE DANIELLE BITON

13-7898 IN RE DANIELLE BITON

13-7899 IN RE DANIELLE BITON

The motions of petitioner for leave to proceed *in forma pauperis* are denied, and the petitions for writs of prohibition are dismissed. See Rule 39.8.

REHEARINGS DENIED

12-10558 PEREZ-HERNANDEZ, PEDRO V. UNITED STATES

13-360 SINGLETON, WILLIE V. STACK, STEPHEN, ET AL.

13-425 POTTS, ROSSI M. V. HOWARD UNIV. HOSPITAL, ET AL.

13-503 PENNINGTON, JODIE A. V. UNIVERSITY OF ARKANSAS, ET AL.

13-566 KANOFSKY, ALVIN S. V. CIR

13-5040 BILYEU, JANINE A. V. NASHVILLE COUNTY, TN, ET AL.

13-5287 HALL, JACK V. SCUTT, WARDEN

13-5322 BEACH-MATHURA, LORNA V. MIAMI-DADE PUB. SCHOOLS, ET AL.

13-5807 GREELEY, MARK D. V. HARLOW, SUPT., ALBION, ET AL.

13-6110 WILEY, CHRISTOPHER G. V. FIELDS, CLEO, ET AL.

13-6211 PAGONIS, EVANGELOS V. STEPHENS, DIR., TX DCJ

13-6292 WHITWORTH, RONALD L. V. LOWERY, TERRY, ET AL.

13-6302 SCHENCK, RYKER W. V. SUPERIOR COURT OF CA, ET AL.

13-6392 RONDENO, RICHARD R. V. LAW OFFICE OF WILLIAM S. VINCENT

13-6450 ORTIZ-SALGADO, RAMON V. POLK, WARDEN, ET AL.

13-6476 DAVIS, PAUL V. ST. LOUIS, MO, ET AL.
13-6479 FLUKER, ANNETTE V. REYNOLD'S AMERICAN INC.
13-6480 FLUKER, ANNETTE V. GENERAL MOTOR'S
13-6498 CARTER, EDNA D. V. COLVIN, ACTING COMM'R, SOCIAL
13-6620 AGUIRRE, JOSE P. V. LEWIS, WARDEN, ET AL.
13-6677 NIFAS, RASHEEN V. COLEMAN, BRIAN V., ET AL.
13-6719 LUONGO, MARIE E. V. MASSACHUSETTS, ET AL.
13-6729 JINKS, EDDIE V. MATTHEWS, JOHN D., ET AL.
13-6736 ROBERTS, BOOKER T. V. CREWS, SEC., FL DOC
13-6758 MINOR, HERMAN V. CREWS, SEC., FL DOC
13-6802 VIOLA, JOSEPH J. V. ARIZONA
13-6819 CARRANZA, MIGUEL, ET UX. V. UNITED STATES
13-6848 BEDFORD, EDWARD C. V. PORT OF HOUSTON AUTH., ET AL.
13-6859 BONDS, MARLAN C. V. WILSON, SUPT., IN
13-6924 MAJOR, ERNEST V. CREWS, SEC., FL DOC
13-6931 IN RE RODRIQUES JACKSON
13-6982 WILSON, DARNELL V. MISSISSIPPI
13-7056 BAKER, EDDIE V. WERLINGER, WARDEN
13-7081 BAMDAD, MASOUD V. UNITED STATES
13-7092 STRINGER, THOMAS B. V. UNITED STATES
13-7139 PARKS, WILLIE V. UNITED STATES
13-7214 JACQUES, JOHN V. UNITED STATES
13-7324 DAVIS, THOMAS L. V. WILSON, CHRISTINE, ET AL.
13-7352 TASCIYAN, TALIN A. V. MEDICAL NUMERICS, ET AL.
13-7471 HOLLEY, DELBERT L. V. UNITED STATES
13-7498 JACKSON, MARK C. V. HARTFORD LIFE AND ACCIDENT INS.

The petitions for rehearing are denied.

12-1456 JONES, DONALD G. V. DEPT. OF TREASURY, ET AL.

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

13-5696 CORBIN, DAVID R. V. JOHNSON, JUDGE, ET AL.

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

13-7627 KISSI, DAVID M. V. UNITED STATES

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

ATTORNEY DISCIPLINE

D-2743 IN THE MATTER OF DISBARMENT OF RICHARD LAWRENCE JAMES MCGARRY

Richard Lawrence James McGarry, of Roanoke, Virginia, having been suspended from the practice of law in this Court by order of November 12, 2013; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Richard Lawrence James McGarry is disbarred from the practice of law in this Court.

D-2744 IN THE MATTER OF DISBARMENT OF MARK L. LEZELL

Mark L. Lezell, of Rockville, Maryland, having been suspended from the practice of law in this Court by order of November 12, 2013; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Mark L. Lezell is disbarred from the practice of law in this Court.

D-2746 IN THE MATTER OF DISBARMENT OF DIANE SERAFIN BLANK

Diane Serafin Blank, of New York, New York, having been

suspended from the practice of law in this Court by order of November 12, 2013; and a rule having been issued and served upon her requiring her to show cause why she should not be disbarred; and the time to file a response having expired;

It is ordered that Diane Serafin Blank is disbarred from the practice of law in this Court.

D-2758 IN THE MATTER OF DISCIPLINE OF DAVID ALAN VESEL

David Alan Vesel, of Creedmoor, North Carolina, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2759 IN THE MATTER OF DISCIPLINE OF NORMAN MALINSKI

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

D-2760 IN THE MATTER OF DISCIPLINE OF TIMOTHY FRANCIS DALY

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

D-2761 IN THE MATTER OF DISCIPLINE OF B. MICHAEL CORMIER

B. Michael Cormier, of Haverhill, Massachusetts, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2762

IN THE MATTER OF DISCIPLINE OF DAVID COLEMAN YARBROUGH

David Coleman Yarbrough, of Montgomery, Alabama, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2763

IN THE MATTER OF DISCIPLINE OF BRUCE ALLEN CRAFT

Bruce Allen Craft, of Baton Rouge, Louisiana, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2764

IN THE MATTER OF DISCIPLINE OF AMAKO N. K. AHAGHOTU

Amako N. K. Ahaghotu, of Washington, District of Columbia, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2765

IN THE MATTER OF DISCIPLINE OF LEON IRWIN EDELSON

Leon Irwin Edelson, of Deerfield, Illinois, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2766

IN THE MATTER OF DISCIPLINE OF JASON W. SMIEKEL

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

D-2767

IN THE MATTER OF DISCIPLINE OF HOWARD ALLEN WITTNER

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

D-2768

IN THE MATTER OF DISCIPLINE OF ELIE S. COURY

Elie S. Coury, of Danbury, Connecticut, 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.

Per Curiam

SUPREME COURT OF THE UNITED STATESANTHONY RAY HINTON *v.* ALABAMAON PETITION FOR WRIT OF CERTIORARI TO THE
COURT OF CRIMINAL APPEALS OF ALABAMA

No. 13–6440 Decided February 24, 2014

PER CURIAM.

In *Strickland v. Washington*, 466 U. S. 668 (1984), we held that a criminal defendant’s Sixth Amendment right to counsel is violated if his trial attorney’s performance falls below an objective standard of reasonableness and if there is a reasonable probability that the result of the trial would have been different absent the deficient act or omission. *Id.*, at 687–688, 694. Anthony Ray Hinton, an inmate on Alabama’s death row, asks us to decide whether the Alabama courts correctly applied *Strickland* to his case. We conclude that they did not and hold that Hinton’s trial attorney rendered constitutionally deficient performance. We vacate the lower court’s judgment and remand the case for reconsideration of whether the attorney’s deficient performance was prejudicial.

I
A

In February 1985, a restaurant manager in Birmingham was shot to death in the course of an after-hours robbery of his restaurant. A second manager was murdered during a very similar robbery of another restaurant in July. Then, later in July, a restaurant manager named Smotherman survived another similar robbery-shooting. During each crime, the robber fired two .38 caliber bullets; all six bullets were recovered by police investigators. Smotherman described his assailant to the police, and when the police showed him a photographic array, he picked out Hinton’s picture.

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The police arrested Hinton and recovered from his house a .38 caliber revolver belonging to his mother, who shared the house with him. After analyzing the six bullets fired during the three crimes and test-firing the revolver, examiners at the State's Department of Forensic Sciences concluded that the six bullets had all been fired from the same gun: the revolver found at Hinton's house. Hinton was charged with two counts of capital murder for the killings during the first two robberies. He was not charged in connection with the third robbery (that is, the Smotherman robbery).

At trial, the State's strategy was to link Hinton to the Smotherman robbery through eyewitness testimony and forensic evidence about the bullets fired at Smotherman and then to persuade the jury that, in light of the similarity of the three crimes and forensic analysis of the bullets and the Hinton revolver, Hinton must also have committed the two murders. Smotherman identified Hinton as the man who robbed his restaurant and tried to kill him, and two other witnesses provided testimony that tended to link Hinton to the Smotherman robbery. Hinton maintained that he was innocent and that Smotherman had misidentified him. In support of that defense, Hinton presented witnesses who testified in support of his alibi that he was at work at a warehouse at the time of the Smotherman robbery. See 548 So. 2d 562, 568–569 (Ala. 1989) (summarizing the evidence on each side of the case).

The six bullets and the revolver were the only physical evidence. Besides those items, the police found no evidence at the crime scenes that could be used to identify the perpetrator (such as fingerprints) and no incriminating evidence at Hinton's home or in his car. The State's case turned on whether its expert witnesses could convince the jury that the six recovered bullets had indeed been fired from the Hinton revolver. According to the Alabama Supreme Court, "the only evidence linking Hin-

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ton to the two murders were forensic comparisons of the bullets recovered from those crime scenes to the Hinton revolver.” 2008 WL 4603723, *2 (Oct. 17, 2008).

The category of forensic evidence at issue in this case is “firearms and toolmark” evidence. Toolmark examiners attempt to determine whether a bullet recovered from a crime scene was fired from a particular gun by comparing microscopic markings (toolmarks) on the recovered bullet to the markings on a bullet known to have been fired from that gun. The theory is that minor differences even between guns of the same model will leave discernible traces on bullets that are unique enough for an examiner to conclude that the recovered bullet was or was not fired from a given weapon. See generally National Research Council, *Strengthening Forensic Science in the United States: A Path Forward* 150–155 (2009).

Recognizing that Hinton’s defense called for an effective rebuttal of the State’s expert witnesses, Hinton’s attorney filed a motion for funding to hire an expert witness of his own. In response, the trial judge granted \$1,000 with this statement:

“I don’t know as to what my limitations are as for how much I can grant, but I can grant up to \$500.00 in each case [that is, for each of the two murder charges, which were tried together] as far as I know right now and I’m granting up to \$500.00 in each of these two cases for this. So if you need additional experts I would go ahead and file on a separate form and I’ll have to see if I can grant additional experts, but I am granting up to \$500.00, which is the statutory maximum as far as I know on this and if it’s necessary that we go beyond that then I may check to see if we can, but this one’s granted.” 2006 WL 1125605, *59 (Ala. Crim. App., Apr. 28, 2006) (Cobb, J., dissenting) (quoting Tr. 10).

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Hinton's attorney did not take the judge up on his invitation to file a request for more funding.

In fact, \$500 per case (\$1,000 total) was *not* the statutory maximum at the time of Hinton's trial. An earlier version of the statute had limited state reimbursement of expenses to one half of the \$1,000 statutory cap on attorney's fees, which explains why the judge believed that Hinton was entitled to up to \$500 for each of the two murder charges. See *Smelley v. State*, 564 So. 2d 74, 88 (Ala. Crim. App. 1990). But the relevant statute had been amended to provide: "Counsel shall also be entitled to be reimbursed for any expenses reasonably incurred in such defense to be approved in advance by the trial court." See *Dubose v. State*, 662 So. 2d 1156, 1177, n. 5 (Ala. Crim. App. 1993) (quoting Ala. Code §15-12-21(d) (1984)), *aff'd* 662 So. 2d 1189 (Ala. 1995). That amendment went into effect on June 13, 1984, *Dubose, supra*, at 1177, n. 5, which was over a year before Hinton was arrested, so Hinton's trial attorney could have corrected the trial judge's mistaken belief that a \$1,000 limit applied and accepted his invitation to file a motion for additional funds.

The attorney failed to do so because he was himself unaware that Alabama law no longer imposed a specific limit and instead allowed reimbursement for "any expenses reasonably incurred." At an evidentiary hearing held on Hinton's postconviction petition, the following conversation occurred between a state attorney and Hinton's trial attorney:

"Q. You did an awful lot of work to try and find what you believed to be a qualified expert in this case, didn't you?

"A. Yes, sir, I did.

"Q. Would you characterize it that you did everything that you knew to do?

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“A. Yes, sir, I think so.

“Q. And this case, did it come down to an unwillingness of experts to work for the price that you were able to pay?

“A. Yes, sir, I think it did.

“Q. So your failure to get an expert that you would have been let’s say a hundred percent satisfied with was not a failure on your part to go out and do some act, it was a failure of the court to approve what you believed would have been sufficient funds?

“A. Well, putting it a little differently, yes, sir, it was a failure—*it was my failure, my inability under the statute to obtain any more funding for the purpose of hiring qualified experts.*” Reporter’s Official Tr. 206–207 (emphasis added).

Operating under the mistaken belief that he could pay no more than \$1,000, Hinton’s attorney went looking for an expert witness. According to his postconviction testimony, he made an extensive search for a well-regarded expert, but found only one person who was willing to take the case for the pay he could offer: Andrew Payne. Hinton’s attorney “testified that Payne did not have the expertise he thought he needed and that he did not consider Payne’s testimony to be effective.” 2006 WL 1125605, *27. As he told the trial judge during a pretrial hearing:

“I made an effort to get somebody that I thought would be useable. And I’ll have to tell you what I did [about] Payne. I called a couple of other lawyers in town . . . to ask if they knew of anybody. One of them knew him; one of them knew him. The reason I didn’t contact him was because he wasn’t recommended by the lawyer. So now I’m stuck that he’s the only guy I could possibly produce.” *Id.*, at *30 (internal quotation marks omitted).

At trial, Payne testified that the toolmarks in the barrel

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of the Hinton revolver had been corroded away so that it would be impossible to say with certainty whether a particular bullet had been fired from that gun. He also testified that the bullets from the three crime scenes did not match one another. The State's two experts, by contrast, maintained that all six bullets had indeed been fired from the Hinton revolver.

On cross-examination, the prosecutor badly discredited Payne. Payne admitted that he'd testified as an expert on firearms and toolmark identification just twice in the preceding eight years and that one of the two cases involved a shotgun rather than a handgun. Payne also conceded that he had had difficulty operating the microscope at the state forensic laboratory and had asked for help from one of the state experts. The prosecutor ended the cross-examination with this colloquy:

“Q. Mr. Payne, do you have some problem with your vision?”

“A. Why, yes.”

“Q. How many eyes do you have?”

“A. One.” Tr. 1667.

The prosecutor's closing argument highlighted the fact that Payne's expertise was in military ordnance, not firearms and toolmark identification, and that Payne had graduated in 1933 (more than half a century before the trial) with a degree in civil engineering, whereas the State's experts had years of training and experience in the field of firearms and toolmark examination. The prosecutor said:

“I ask you to reject [Payne's] testimony and you have that option because you are the judges of the facts and whose testimony, Mr. Yates' or Mr. Payne's, you will give credence to, and I submit to you that as between these two men there is no match between them. There is no comparison. One man just doesn't have it

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and the other does it day in and day out, month in and month out, year in and year out, and is recognized across the state as an expert.” 2006 WL 1125605, *64 (Cobb, J., dissenting) (quoting Tr. 1733–1734).

The jury convicted Hinton and recommended by a 10-to-2 vote that he be sentenced to death. The trial judge accepted that recommendation and imposed a death sentence.

B

In his state postconviction petition, Hinton contended that his trial attorney was “‘ineffective to not seek additional funds when it became obvious that the individual willing to examine the evidence in the case for the \$1,000 allotted by the court was incompetent and unqualified. Indeed, this failure to seek additional, sufficient funds is rendered all the more inexplicable by the trial court’s express invitation to counsel to seek more funds if such funds were necessary.’” 2006 WL 1125605, *28.

To show that he had been prejudiced by Payne’s ineffective testimony, Hinton produced three new experts on toolmark evidence. One of the three, a forensic consultant named John Dillon, had worked on toolmark identification at the Federal Bureau of Investigation’s forensics laboratory and, from 1988 until he retired in 1994, had served as chief of the firearms and toolmark unit at the FBI’s headquarters. The other two postconviction experts had worked for many years as firearms and toolmark examiners at the Dallas County Crime Laboratory and had each testified as toolmark experts in several hundred cases.

All three experts examined the physical evidence and testified that they could not conclude that any of the six bullets had been fired from the Hinton revolver. The State did not submit rebuttal evidence during the postconviction hearing, and one of Hinton’s experts testified that, pursuant to the ethics code of his trade organization, the Associ-

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ation of Firearm and Tool Mark Examiners, he had asked the State's expert, Yates, to show him how he had determined that the recovered bullets had been fired from the Hinton revolver. Yates refused to cooperate.

C

The circuit court denied Hinton's postconviction petition on the ground that Hinton had not been prejudiced by Payne's allegedly poor performance because Payne's testimony did not depart from what Hinton's postconviction experts had said: The bullets could not be affirmatively matched either to one another or to the Hinton revolver.

The Alabama Court of Criminal Appeals affirmed by a 3-to-2 vote. 2006 WL 1125605. The court agreed with the circuit court that Hinton had not been prejudiced because Payne's testimony, if believed by the jury, strongly supported the inference that Hinton was innocent. *Id.*, at *31. Then-Judge Cobb (who later became chief justice of the Alabama Supreme Court) dissented. In her view, Hinton's attorney had been ineffective in failing to seek additional funds to hire a better expert and Hinton had been prejudiced by that failure, meaning that he was entitled to a new trial. Then-Judge Shaw (who is now a justice of the Alabama Supreme Court) also dissented. He would have remanded the case to the circuit court to make a finding as to whether or not Payne was qualified to act as an expert on toolmark evidence. He stated that "[i]t goes without saying that, with knowledge that sufficient funds were available to have a qualified firearms and toolmarks expert, no reasonable criminal defense lawyer would seek out and hire an unqualified firearms witness." *Id.*, at *73.

The Supreme Court of Alabama reversed and remanded. 2008 WL 4603723. After quoting at length from Judge Shaw's dissent, the Court stated, "We agree with Judge Shaw that 'the dispositive issue is whether Payne was a qualified firearms and toolmarks expert' and that in deny-

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ing Hinton’s [postconviction] petition the trial court did not directly rule on ‘the issue whether Payne was qualified to be testifying in the first place.’” *Id.*, at *4 (quoting 2006 WL 1125605, *70, *72 (Shaw, J., dissenting)). The Supreme Court was thus focused on Payne’s own qualifications, rather than on whether a better expert—one who could have been hired had the attorney learned that there was no funding cap and requested additional funds—would have made a more compelling case for Hinton.

On remand, the circuit court held that Payne was indeed qualified to testify as a firearms and toolmark expert witness under the Alabama evidentiary standard in place at the time of the trial, which required only that Payne have had “knowledge of firearms and toolmarks examination beyond that of an average layperson.” 2008 WL 5517591, *5 (Ala. Crim. App., Dec. 19, 2008); see also *Charles v. State*, 350 So. 2d 730, 733 (Ala. Crim. App. 1977) (“An ‘expert witness’ is one who can enlighten a jury more than the average man in the street. . . . An expert witness, by definition, is any person whose opportunity or means of knowledge in a specialized art or science is to some degree better than that found in the average juror or witness”). The appellate court affirmed the circuit court’s ruling that Payne was qualified under the applicable standard. 2013 WL 598122 (Ala. Crim. App., Feb. 15, 2013). The Alabama Supreme Court denied review by a 4-to-3 vote, with two justices recused. Hinton then filed this petition for a writ of certiorari.

II

This case calls for a straightforward application of our ineffective-assistance-of-counsel precedents, beginning with *Strickland v. Washington*, 466 U. S. 668. *Strickland* recognized that the Sixth Amendment’s guarantee that “[i]n all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence”

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entails that defendants are entitled to be represented by an attorney who meets at least a minimal standard of competence. *Id.*, at 685–687. “Under *Strickland*, we first determine whether counsel’s representation ‘fell below an objective standard of reasonableness.’ Then we ask whether ‘there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.’” *Padilla v. Kentucky*, 559 U. S. 356, 366 (2010) (quoting *Strickland, supra*, at 688, 694).

A

“The first prong—constitutional deficiency—is necessarily linked to the practice and expectations of the legal community: ‘The proper measure of attorney performance remains simply reasonableness under prevailing professional norms.’” *Padilla, supra*, at 366 (quoting *Strickland, supra*, at 688). “In any case presenting an ineffectiveness claim, the performance inquiry must be whether counsel’s assistance was reasonable considering all the circumstances.” *Strickland, supra*, at 688. Under that standard, it was unreasonable for Hinton’s lawyer to fail to seek additional funds to hire an expert where that failure was based not on any strategic choice but on a mistaken belief that available funding was capped at \$1,000.

“Criminal cases will arise where the only reasonable and available defense strategy requires consultation with experts or introduction of expert evidence.” *Harrington v. Richter*, 562 U. S. ___, ___ (2011) (slip op., at 16). This was such a case. As Hinton’s trial attorney recognized, the core of the prosecution’s case was the state experts’ conclusion that the six bullets had been fired from the Hinton revolver, and effectively rebutting that case required a competent expert on the defense side. Hinton’s attorney also recognized that Payne was not a good expert, at least with respect to toolmark evidence. Nonetheless,

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he felt he was “stuck” with Payne because he could not find a better expert willing to work for \$1,000 and he believed that he was unable to obtain more than \$1,000 to cover expert fees.

As discussed above, that belief was wrong: Alabama law in effect beginning more than a year before Hinton was arrested provided for state reimbursement of “any expenses reasonably incurred in such defense to be approved in advance by the trial court.” Ala. Code §15–12–21(d). And the trial judge expressly invited Hinton’s attorney to file a request for further funds if he felt that more funding was necessary. Yet the attorney did not seek further funding.

The trial attorney’s failure to request additional funding in order to replace an expert he knew to be inadequate because he mistakenly believed that he had received all he could get under Alabama law constituted deficient performance. Under *Strickland*, “strategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable; and strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation. In other words, counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary.” 466 U. S., at 690–691. Hinton’s attorney knew that he needed more funding to present an effective defense, yet he failed to make even the cursory investigation of the state statute providing for defense funding for indigent defendants that would have revealed to him that he could receive reimbursement not just for \$1,000 but for “any expenses reasonably incurred.” An attorney’s ignorance of a point of law that is fundamental to his case combined with his failure to perform basic research on that point is a quintessential example of unreasonable performance under *Strickland*. See, e.g., *Williams v. Taylor*, 529 U. S. 362,

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395 (2000) (finding deficient performance where counsel “failed to conduct an investigation that would have uncovered extensive records [that could be used for death penalty mitigation purposes], not because of any strategic calculation but because they incorrectly thought that state law barred access to such records”); *Kimmelman v. Morrison*, 477 U. S. 365, 385 (1986) (finding deficient performance where counsel failed to conduct pretrial discovery and that failure “was not based on ‘strategy,’ but on counsel’s mistaken belie[f] that the State was obliged to take the initiative and turn over all of its inculpatory evidence to the defense”).

We wish to be clear that the inadequate assistance of counsel we find in this case does not consist of the hiring of an expert who, though qualified, was not qualified enough. The selection of an expert witness is a paradigmatic example of the type of “strategic choic[e]” that, when made “after thorough investigation of [the] law and facts,” is “virtually unchallengeable.” *Strickland*, 466 U. S., at 690. We do not today launch federal courts into examination of the relative qualifications of experts hired and experts that might have been hired. The only inadequate assistance of counsel here was the inexcusable mistake of law—the unreasonable failure to understand the resources that state law made available to him—that caused counsel to employ an expert that *he himself* deemed inadequate.

B

Having established deficient performance, Hinton must also “show that there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Id.*, at 694. “When a defendant challenges a conviction, the question is whether there is a reasonable probability that, absent the errors, the factfinder would

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have had a reasonable doubt respecting guilt.” *Id.*, at 695.

The Court of Criminal Appeals held, and the State contends in its brief in opposition to certiorari, that Hinton could not have been prejudiced by his attorney’s use of Payne rather than a more qualified expert because Payne said all that Hinton could have hoped for from a toolmark expert: that the bullets used in the crimes could not have been fired from the Hinton revolver. See 2006 WL 1125605, *31 (“[E]ven assuming that counsel’s apparent ignorance that the cap on expert expenses had been lifted constituted deficient performance . . . , the appellant has not shown that he was prejudiced by that deficient performance”). It is true that Payne’s testimony would have done Hinton a lot of good *if the jury had believed it*. But the jury did not believe Payne. And if there is a reasonable probability that Hinton’s attorney would have hired an expert who would have instilled in the jury a reasonable doubt as to Hinton’s guilt had the attorney known that the statutory funding limit had been lifted, then Hinton was prejudiced by his lawyer’s deficient performance and is entitled to a new trial.

That the State presented testimony from two experienced expert witnesses that tended to inculcate Hinton does not, taken alone, demonstrate that Hinton is guilty. Prosecution experts, of course, can sometimes make mistakes. Indeed, we have recognized the threat to fair criminal trials posed by the potential for incompetent or fraudulent prosecution forensics experts, noting that “[s]erious deficiencies have been found in the forensic evidence used in criminal trials. . . . One study of cases in which exonerating evidence resulted in the overturning of criminal convictions concluded that invalid forensic testimony contributed to the convictions in 60% of the cases.” *Melendez-Diaz v. Massachusetts*, 557 U. S. 305, 319 (2009) (citing Garrett & Neufeld, *Invalid Forensic Science Testimony and Wrongful Convictions*, 95 Va. L. Rev. 1, 14

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(2009)). This threat is minimized when the defense retains a competent expert to counter the testimony of the prosecution's expert witnesses; it is maximized when the defense instead fails to understand the resources available to it by law.

Because no court has yet evaluated the prejudice question by applying the proper inquiry to the facts of this case, we remand the case for reconsideration of whether Hinton's attorney's deficient performance was prejudicial under *Strickland*.

* * *

The petition for certiorari and Hinton's motion for leave to proceed *in forma pauperis* are granted, the judgment of the Court of Criminal Appeals of Alabama is vacated, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.