

(ORDER LIST: 571 U.S.)

MONDAY, DECEMBER 2, 2013

APPEAL -- SUMMARY DISPOSITION

13-395 AL LEGIS. BLACK CAUCUS, ET AL. V. ALABAMA, ET AL.

The appeal is dismissed for want of jurisdiction.

ORDERS IN PENDING CASES

13M55 SEMIEN, ANTHONY M. V. JACQUEZ, WARDEN

13M56 FULLER, IVORY V. FRIED, FRANK, HARRIS, SHRIVER

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

13M57 FINE, HOLLY C. V. MA DEPT. OF CHILDREN & FAMILIES

The motion to direct the Clerk to file a petition for writ of certiorari out of time under Rule 14.5 is denied.

13M58 ROSS-WEST, ROMELLE, ET VIR V. BANK OF NEW YORK MELLON CORP.

13M59 ANDREWS, DWAYNE V. PROFESSIONAL PARATRANSIT

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

12-10196 SWAIN, MICHAEL V. FLORIDA

12-10352 CARY, JERRY L. V. VIRGINIA

12-10678 REYES, JORGE L. V. DAVIS, WARDEN

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

13-271 ONEOK, INC., ET AL. V. LEARJET, INC., ET AL.

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.

13-5597 WASHINGTON, RONALD D. V. KROGER LTD. PARTNERSHIP I

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

13-6459 JOHNSON, PEARL L. V. EDWARDS, LONNIE, ET AL.

13-6518 MISSUD, PATRICK A. V. SUPERIOR COURT OF CA, ET AL.

13-6586 HARRISON, WILLIAM H. V. VIRGINIA

13-6908 TORDA, SUSAN C. V. FAIRFAX COUNTY SCHOOL BOARD

13-7036 ESCALANTE, MARIO V. HOLDER, ATT'Y GEN.

13-7057 AWAD, ALI V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until December 23, 2013, 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.

13-7163 SPATARO, MICHAEL V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until December 23, 2013, 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.

CERTIORARI DENIED

12-1412 LOR, LEE V. V. UNITED STATES

12-1419 BEASLEY, JOHNNIE H. V. SHINSEKI, SEC. OF VA

12-10073 ALEXANDER, JULIET B. V. FIRST WIND ENERGY, LLC, ET AL.

12-10087 FREEMAN, TERRY G. V. STEPHENS, DIR., TX DCJ

12-10134 DEMAREST, JOAN A. V. OCWEN LOAN SERVICING, ET AL.

12-10158 RIVERA, GABRIEL V. CARY PLACE CONDOMINIUM ASSOC.

13-231 JUDD, CHARLES, ET AL. V. LIBERTARIAN PARTY OF VA, ET AL.

13-239 BERRY, PATRICK V. WEBLOYALTY.COM, INC., ET AL.

13-244 MAY, MARK, ET UX. V. CIR

13-252) OVERSTOCK.COM, INC. V. NY DEPT. OF TAXATION, ET AL.

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13-259) AMAZON.COM LLC, ET AL. V. NY DEPT. OF TAXATION, ET AL.

13-266 GRAND RIVER ENTERPRISES V. OKLAHOMA, EX REL. PRUITT, ET AL.

13-306 LIBERTY UNIVERSITY, ET AL. V. LEW, SEC. OF TREASURY, ET AL.

13-338 BOWERS, GARY J., ET AL. V. FRANKS, DONNA

13-345 CAPPIELLO, ROBERT N. V. ICD PUBLICATIONS, INC.

13-346 KREHER, DETLEF V. LOE, ROSE

13-348 COMB, SHENITHA, ET AL. V. ROWELL, RON, ET AL.

13-359 SANTOS, SHELLEY M. V. HAWKINS, RICHARD S., ET AL.

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

13-361 RECHTZIGEL, GENE V. FISCHER, PETER W.

13-362 SCOTT, MICHAEL A. V. VIRGINIA BEACH, VA, ET AL.

13-364 UNDERWOOD, BYRON V. FL DEPT. OF FINANCIAL SERVICES

13-367 MWANGI, MUMBI V. BRAEGELMANN, DALE, ET AL.

13-374 JACKSON, MARK V. DOW CHEMICAL COMPANY, ET AL.

13-378 DELANCEY, SANDRA V. CARLTON ARMS OF MAGNOLIA VALLEY

13-384 VURIMINDI, VAMSIDHAR R. V. PHILADELPHIA, PA, ET AL.

13-386 CFS ENTERPRISE, INC., ET AL. V. HECKADON, DAVID, ET UX.

13-388 SEITZ, DEBRA, ET AL. V. ELGIN, IL

13-396 JOHNSON, RONALD, ET UX. V. SHOREWOOD, MN

13-404 TONEY, LAURA V. LaSALLE BANK

13-406 SHRESTHA, MANOHAR, ET UX. V. LELIN, ROSS

13-409 DIGGS, BRENDA J. V. DONAHOE, POSTMASTER GEN.

13-420 BAKER, JOANNE V. NEW YORK

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

13-426 WILLIAMS, ERIC V. DEPT. OF AIR FORCE
13-432 WESSELL, KEVIN W., ET AL. V. TOPIWALA, PANKAJ, ET AL.
13-489 COSTELLO, REGIS J. V. UNIV. OF WA MEDICAL CTR., ET AL.
13-507 GARCIA, EDWIN V. UNITED STATES
13-535 LAPIN, SHARON L. V. STATE BAR OF CA
13-540 HIE HOLDINGS, INC., ET AL. V. CIR
13-556 NADER, RALPH V. FEC
13-5040 BILYEU, JANINE A. V. NASHVILLE COUNTY, TN, ET AL.
13-5154 HALE, JEROME V. HOFFNER, WARDEN
13-5322 BEACH-MATHURA, LORNA V. MIAMI-DADE PUB. SCHOOLS, ET AL.
13-5354 ESPINOSA, HILDA V. BURGER KING CORPORATION
13-5431 HUMPHREY, KENNETH D. V. NAPOLITANO, SEC. OF HOMELAND
13-5451 BENTON, JONATHAN S. V. UNITED STATES
13-5487 MARYEA, LYNETTE V. UNITED STATES
13-5517 PETRI, DAN V. UNITED STATES
13-5568 SPROUSE, VICTORIA L. V. UNITED STATES
13-5714 KENNEDY, JOSEPH V. TEXAS
13-5716 WILLIAMS, MICHAEL K. V. UNITED STATES
13-5918 ELLIS, TODD W. V. UNITED STATES
13-5996 LAVER, CHRISTOPHER V. UNITED STATES
13-6021 MATTHEWS, DOUGLAS B. V. FLORIDA
13-6392 RONDENO, RICHARD R. V. LAW OFFICE OF WILLIAM S. VINCENT
13-6401 WILLIAMS, JEROME V. WILSON, SUPT., IN
13-6403 WEEMS, GIOVANNI V. HARDY, MARCUS
13-6409 McFADDEN, JOSEPH L. V. JEPERTINGER, JOHN C.
13-6413 PITNEY, PHILLIP V. CALIFORNIA
13-6416 HILTON, GARY M. V. FLORIDA
13-6421 BENAVIDES, RUBEN G. V. STEPHENS, DIR., TX DCJ

13-6426 LAYE, RANDALL V. CALDWELL, WARDEN
13-6430 STONE, DUNCAN V. OWENS, COMM'R, GA DOC, ET AL.
13-6431 SLOSS, TORREY L. V. CREWS, SEC., FL DOC, ET AL.
13-6433 STROLL, GEORGE A. V. JOHNSON, PHILIP L., ET AL.
13-6436 PATTON, EDGAR E. V. MISSISSIPPI
13-6437 PEREZ, PRUDENCIO V. V. TEXAS
13-6439 AGUILERA-GUERRA, JESUS J. V. RYAN, DIR., AZ DOC, ET AL.
13-6441 GRABER, NOVA-LEE, ET VIR V. CONWAY, R. L., ET AL.
13-6443 NASH, TIMOTHY V. OHIO
13-6452 NITZ, HERMAN L. V. BELL, MICHELLE, ET AL.
13-6457 MARIN, MEL M. V. TRUMBULL COUNTY COURT OF APPEALS
13-6462 GIVINS, ABE V. BRISCO, JAMES J., ET AL.
13-6463 HIGGINS, SHAWN V. CAIN, WARDEN
13-6465 BAGLEY, FREDERICK V. ILLINOIS
13-6466 BURTON, AUGUSTE V. ILLINOIS
13-6467 ARVIE, HUBERT V. TANNER, WARDEN, ET AL.
13-6473 DEWS, CLARENCE L. V. KERN RADIOLOGY MEDICAL GROUP
13-6476 DAVIS, PAUL V. ST. LOUIS, MO, ET AL.
13-6477 DIGGS, MARTIN V. LaVALLEY, SUPT., CLINTON
13-6479 FLUKER, ANNETTE V. REYNOLD'S AMERICAN INC.
13-6480 FLUKER, ANNETTE V. GENERAL MOTOR'S
13-6482 HAMILTON, LESTER V. CALIFORNIA
13-6483 GILBERT, PIERRE A. V. CALIFORNIA
13-6484 GRAVES, JERRY B. V. HOWERTON, WARDEN
13-6486 PORTER, SAMUEL K. V. HOWARD, MUABE, ET AL.
13-6492 CISNEROS, ALFREDO V. SOTO, WARDEN
13-6500 ELLIOTT, SAMUEL L. V. MICHIGAN
13-6503 MITCHELL, RICHARD A. V. HAMPTON, DANIEL H., ET AL.

13-6514 RANDOLPH, CLARENCE V. LOUISIANA
13-6519 MOORE, LEE E. V. ROBINSON, WARDEN
13-6521 WOODS, THOMAS E. V. WENEROWICZ, SUPT., ET AL.
13-6522 WEBB, CHRISTOPHER W. V. STEVENS, CINDY
13-6523 ZAKAT, AALIYAH V. AVENT, BADR
13-6524 WIGGINS, MICHAEL A. V. MARYLAND
13-6527 WILLIAMS, SHANNON E. V. REYNOR RENSCH & PFIEFFER, ET AL.
13-6531 PALMER, WILL M. V. LEMOY, NURSE
13-6532 MATHIS, DOUGLAS M. V. CARPENTER, WARDEN
13-6536 JONES, ALAN L. V. NEW YORK
13-6543 SOLIS, ROBERT V. STEPHENS, DIR., TX DCJ
13-6547 DOWDY, MARK R. V. PRUETT, WARDEN
13-6552 PARKER, THOMAS V. WARREN, ADM'R, NJ, ET AL.
13-6560 KEELER, HIEDA A. V. RIVERSIDE HOSPITAL, INC., ET AL.
13-6565 PIERRE-GILLES, HERBY V. FLORIDA
13-6566 BOLIN, OSCAR R. V. FLORIDA
13-6569 JOHNSON, PAULA V. GIROUX, SUPT., MUNCY, ET AL.
13-6570 JIMENA, CARL L. V. STANDISH, CLIVE, ET AL.
13-6576 CHAND, NAREND V. BRAVO, WARDEN, ET AL.
13-6578 ESPINOZA, GABRIEL V. McDONALD, M. D.
13-6587 GREENE, JEFFERY V. FLORIDA
13-6589 ROSE, EDWARD J. V. ARIZONA
13-6598 PRYOR, DENNIS V. YATAURO, MEG A., ET AL.
13-6599 LINTON, DANIEL A. V. CALIFORNIA
13-6601 SEMULKA, EDWARD P. V. PENNSYLVANIA, ET AL.
13-6603 SATKIEWICZ, THOMAS E. V. MICHIGAN, ET AL.
13-6605 DAVIS, STEPHEN N. V. WORKMAN, WARDEN
13-6606 CHESHER, RAIN T. V. CHAPMAN, WARDEN

13-6613 COLLINS, LARRY E. V. FLORIDA
13-6614 CLARKE, PAUL T. V. RADER, WARDEN
13-6615 CLAUDE, STANLEY V. CREWS, SEC., FL DOC
13-6620 AGUIRRE, JOSE P. V. LEWIS, WARDEN, ET AL.
13-6623 BANKS, TORREY V. V. DOE, JOHN, ET AL.
13-6630 McLEOD, KAREN L. V. SELECT SPECIALTY HOSP., ET AL.
13-6676 PAPA, GEORGE V. HOLDER, ATT'Y GEN., ET AL.
13-6680 WILSON, TERRY L. V. OFFICE OF THE ATTORNEY GENERAL
13-6686 SPELLS, VINCENT B. V. CREWS, SEC., FL DOC
13-6689 BARROS-SUAREZ, CESAR X. V. HOLDER, ATT'Y GEN.
13-6704 SCHREANE, CLARENCE D. V. SANTOES, F., ET AL.
13-6718 JAMES, TYRONE V. WETZEL, SEC., PA DOC, ET AL.
13-6722 ZORNES, TRACY A. V. MINNESOTA
13-6730 CHARLINE P. V. CT DEPT. OF FAMILIES
13-6739 MOSES, ELNORA V. TX COMM'N ON ENVTL. QUALITY
13-6792 PIERRE, DAVE S. V. HOLDER, ATT'Y GEN.
13-6794 NEW, WILLIAM P. V. URIBE, WARDEN, ET AL.
13-6795 PORTILLO, RIGOBERTO H. V. UNITED STATES
13-6804 WIEGAND, MARIE C. V. BACHUS, J. KYLE, ET AL.
13-6819 CARRANZA, MIGUEL, ET UX. V. UNITED STATES
13-6838 GILYARD, MICHAEL L. V. ANGLIN, WARDEN
13-6843 DeSUE, MICHAEL C. V. CREWS, SEC., FL DOC, ET AL.
13-6845 VIRAY, BENJARDI B. V. DISTRICT COURT OF NV, ET AL.
13-6890 STRONG, RONALD J. V. UNITED STATES
13-6897 ALMY, ROBERT T. V. KICKERT SCHOOL BUS LINE, INC.
13-6899 CROWDER, KEVIN V. HEATH, SUPT., SING SING
13-6900 CUMMINGS, BRIAN J. V. SANTIAGO, WARDEN
13-6904 PARRA, RAUL V. TEXAS

13-6930 JIMENA, CARL L. V. WONG, SAI H.
13-6932 MELANSON, ROY A. V. CALIFORNIA
13-6935 BADINI, FRANCO V. UNITED STATES
13-6937 BRYANT, JAMES A. V. STEVENSON, WARDEN
13-6942 WILLIAMS, TORRENCE S. V. DONAHOE, POSTMASTER GEN.
13-6946 GARCIA, HERIBERTO V. HOLDER, ATT'Y GEN., ET AL.
13-6960 YOUNG, ALBERT V. UNITED STATES
13-6964 GARFIAS-GARCIA, JOSE M. V. UNITED STATES
13-6965 FOSTER, AARON D. V. UNITED STATES
13-6967 GONCALVES, JOSEPH S. V. KENTUCKY
13-6968 FRASIER, GARRY V. V. UNITED STATES
13-6971 MACK, JAMES V. UNITED STATES
13-6972 JOHNSON, LAWRENCE V. UNITED STATES
13-6983 NAPOLI, JOHN V. UNITED STATES
13-6984 PARK, JAMES V. UNITED STATES
13-6986 MORIMOTO, JOHN Q. V. OBENLAND, SUPT., CLALLAM BAY
13-7009 BELL, JOHNNY L. V. PERRY, SEC., NC DOPS
13-7024 WEHLAND, CHRISTOPHER L. V. PALMER, WARDEN, ET AL.
13-7038 THOMAS, GENTRIES V. STEPHENS, DIR., TX DCJ
13-7043 LUTZ, DAVID E. V. ANDERSON, WARDEN
13-7045 KE, ZHAOJIN V. EDINBORO UNIVERSITY, ET AL.
13-7052 HERNANDEZ-LIZARDI, ERNESTO V. UNITED STATES
13-7053 HAUCK, RALPH E. V. UNITED STATES
13-7055 GARDNER, KARINN V. UNITED STATES
13-7056 BAKER, EDDIE V. WERLINGER, WARDEN
13-7060 STEVENSON, LEO J. V. UNITED STATES
13-7061 CAULFIELD, MICHAEL V. UNITED STATES

13-7062) CURANOVIC, CHRISTOPHER. V. UNITED STATES
13-7076) FRANZESE, JOHN V. UNITED STATES
13-7064 SMITH, ALTON L. V. UNITED STATES
13-7069 PATTERSON, MAURICE V. UNITED STATES
13-7075 ORTIZ, GABINO V. UNITED STATES
13-7081 BAMDAD, MASOUD V. UNITED STATES
13-7084 BALDWIN, JIMMY Q. V. UNITED STATES
13-7085 HARRIS, GLENN A. V. UNITED STATES
13-7086 GONZALEZ-CORELLA, HECTOR V. UNITED STATES
13-7089 CHEN, YI Q. V. UNITED STATES
13-7090 CROWDER, MAURICE V. UNITED STATES
13-7092 STRINGER, THOMAS B. V. UNITED STATES
13-7095 EASLEY, ROBERT V. FLORIDA
13-7097 EDWARDS, TERRANCE V. CARTLEDGE, WARDEN
13-7099 JONES, ALBERT T. V. PASTRANA, WARDEN
13-7104 RICHARDSON, HENRY P. V. UNITED STATES
13-7106 CARRINGTON, DWIGHT E. V. UNITED STATES
13-7111 WALTON, JAMAL M. V. UNITED STATES
13-7113 LOPEZ-GARCIA, VICTOR V. UNITED STATES
13-7123 WORTHEY, DUSTIN L. V. UNITED STATES
13-7126 CAMPBELL, RONNIE S. V. UNITED STATES
13-7127 DREWERY, CARL, ET AL. V. UNITED STATES
13-7130 FRANCIS, TERRANCE V. UNITED STATES
13-7131 FLORES, VINCENT V. UNITED STATES
13-7133 MORRIS, OTIS V. UNITED STATES
13-7135 STOKES, CHARLES T. V. UNITED STATES
13-7139 PARKS, WILLIE V. UNITED STATES
13-7141 FREDERICKS, NATHANIAH, ET AL. V. UNITED STATES

13-7144 CARRASCO, JUAN M. V. UNITED STATES
13-7151 JONES, GREGORY V. UNITED STATES
13-7153 LOZANO, CESAR V. UNITED STATES
13-7156 RAMSEY, FREDERICO V. UNITED STATES
13-7165 ROBERTS, PRENTIS T. V. UNITED STATES
13-7166 RODRIGUEZ, ROBERTO V. UNITED STATES
13-7168 MINJAREZ, MICHAEL V. UNITED STATES
13-7170 McCLENDON, JEFFERY D. V. UNITED STATES
13-7175 BROWN, KEVIN R. V. UNITED STATES
13-7176 BARRAGAN-MALFABON, JAVIER V. UNITED STATES
13-7177 BRATTON-BEY, BOAZ S. V. UNITED STATES
13-7179 SHAHID, MIAN M. V. UNITED STATES
13-7181 ESTUPINAN-ESTUPINAN, EUSEBIO V. UNITED STATES
13-7182 DAVIS, PATRICK K. V. UNITED STATES
13-7183 CORDELL, HOWARD G. V. UNITED STATES
13-7185 CLARK, JAMES A. V. UNITED STATES
13-7187 GILBERTSON, CHRISTOPHER V. UNITED STATES
13-7188 FORDE, ORANDE V. UNITED STATES
13-7196 BAYLOR, TROY D., ET AL. V. UNITED STATES
13-7201 ZAINES-VARGAS, JOSE V. UNITED STATES
13-7203 MILLER, LAMONT L. V. UNITED STATES
13-7204 REAL, CARMEN O. V. UNITED STATES
13-7213 LITTLE DOG, EMIL E. V. UNITED STATES
13-7216 SHUFF, CLEVO V. UNITED STATES
13-7217 RIVERA, ISMAEL V. UNITED STATES
13-7220 WATSON, TERENCE V. UNITED STATES
13-7221 AGUILERA-SANDOVAL, PAULINO V. UNITED STATES

- 13-7223 BERNEGGER, PETER V. USDC ND MS
The petitions for writs of certiorari are denied.
- 13-260 DYNAMIC TRANSIT COMPANY, ET AL. V. TRANS PACIFIC VENTURES, INC.
The motion of Trucking Industry Defense Association for leave to file a brief as *amicus curiae* is granted. The petition for writ of certiorari is denied.
- 13-347 CALIFORNIA V. GUTIERREZ, BALDOMERO
The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is denied.
- 13-349 CHRISTINE FALLS OF NEW YORK, INC V. ALGONQUIN POWER INCOME FUND
The petition for writ of certiorari is denied. Justice Sotomayor took no part in the consideration or decision of this petition.
- 13-371 A. S. E. V. A. S.
The motion of Family Defense Center, et al. for leave to file a brief as *amici curiae* is granted. The motion of Sargent Shriver National Center on Poverty Law for leave to file a brief as *amicus curiae* is granted. The petition for writ of certiorari is denied.
- 13-6485 MOSBY, ROGER D. V. KELLEY, WENDY
The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for writ of certiorari is dismissed. See Rule 39.8.
- 13-6515 STARTUP, LINDA L. V. USDC CD CA, ET AL.
The petition for writ of certiorari is denied. Justice Alito took no part in the consideration or decision of this petition.

13-6959 HERTULAR, ROBERT V. UNITED STATES

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

13-6985 PITCHFORD, FREDERICK L. V. EEOC, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for 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*).

13-6995 BOREN, THOMAS W. V. UNITED STATES

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

13-7088 ERWIN, BONNIE B. V. UNITED STATES, ET AL.

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

13-7102 MAYFIELD, KEVIN V. UNITED STATES

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

13-7140 O'CONNOR, NYKA V. FLORIDA

The motion of petitioner for leave to proceed *in forma*

pauperis is denied, and the petition for writ of certiorari is dismissed. See Rule 39.8.

13-7159 REDMOND, LESLIE V. UPTON, WARDEN

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

13-7162 SETTLE, KELVIN V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for writ of certiorari is dismissed. See Rule 39.8. Justice Kagan took no part in the consideration or decision of this motion and this petition.

13-7180 SANCHEZ, GABRIEL B. V. UNITED STATES

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

13-7197 HINDMAN, JIMMY D. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for writ of certiorari is dismissed. See Rule 39.8. Justice Kagan took no part in the consideration or decision of this motion and this petition.

13-7218 VENTURA-VERA, JUAN V. UNITED STATES

13-7219 VENTURA-VERA, JUAN V. UNITED STATES

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

HABEAS CORPUS DENIED

13-7148 IN RE JAMES SADBERRY

13-7233 IN RE ANTHONY ATWATER

13-7258 IN RE TERRANCE T. BROWN

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

13-414 IN RE EARLE A. PARTINGTON

13-6491 IN RE DAVID L. CULVERHOUSE

13-7212 IN RE LANA LE CHABRIER

The petitions for writs of mandamus are denied.

13-6474 IN RE HIEN A. DAO

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

13-6561 IN RE DIANE JENKINS

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

REHEARINGS DENIED

12-1286 DINICOLA, JOSEPH M. V. OR DEPT. OF REVENUE

12-1375 RUFF, JOHN D. V. GILLESS, A. C., ET AL.

12-1413 HOLKESVIG, RANDY V. NORTH DAKOTA

12-1454 XU, WEI V. CHEN, FANGRUO

12-1476 VAN AUKEN, RICHARD A. V. CATRON, FLETCHER R.

12-7720 STROUTH, DONALD W. V. COLSON, WARDEN

12-9952 MERZBACHER, JOHN J. V. SHEARIN, BOBBY P., ET AL.

12-9964 SANDERS, ANNE B. V. DEPT. OF H&HS, ET AL.

12-9980 GAMMONS, DENEEN R. V. DENVER, CO, ET AL.

12-10104 HUNT, KENNETH V. WILSON, WILLIAM R., ET AL.

12-10243 REED, STEVEN L. V. JOB COUNCIL OF OZARKS, ET AL.

12-10258 KILMARTIN, MARK V. HURLEY, WARDEN

12-10262 MORMAN-JOHNSON, ANGELA V. HATHAWAY, GARY S., ET AL.

12-10278 REYNOLDS, MICHAEL W. V. ALABAMA
12-10321 GENTRY, JONATHAN L. V. SINCLAIR, SUPT., WA
12-10396 KYEI, KOFI V. OR DEPT. OF TRANSPORTATION
12-10398 JENNINGS, LAURA A. V. INDIANAPOLIS, IN
12-10427 REVELES, MICHAEL M. V. TEGELS, WARDEN
12-10441 MARCUM, TIMOTHY, ET UX. V. AYERS, HASKEL, ET UX.
12-10449 HILL, WARREN L. V. HUMPHREY, WARDEN
12-10469 IN RE WARREN L. HILL, JR.
12-10508 OCHOA, MICHAEL R. V. RUBIN, ERIN
12-10593 FRAZIER, SHELTON L. V. SABINE RIVER AUTHORITY
12-10681 COOPER, JOHNNIE V. MISSOURI LOTTERY
12-10683 SMORYNSKI, DANIEL V. UNITED STATES
12-10731 IN RE WEI ZHOU
12-10740 GRENNING, NEIL V. WASHINGTON
12-10760 WHITEFORD, JOHN K. V. PENNSYLVANIA, ET AL.
12-10796 DiMONDA, NICHOLAS V. FLORIDA
12-10852 BROCK, RONALD G. V. BRAZELTON, ACTING WARDEN
12-10861 BELT, TARIQ L. V. USDC MD
12-10862 IN RE WILLIE J. BROWN
12-10864 BURFEINDT, JEFFREY C. V. UNITED STATES
12-10895 CLARK, CHRISTOPHER M. V. MINNESOTA
12-10913 LUH, TODD J. V. FARNSWORTH, COREY, ET AL.
12-10935 FENNER, KEVIN J. V. UNITED STATES
12-10995 HAWKINS, THOMAS V. LOS ANGELES, CA
13-18 JANDA, STEVEN A. V. WASHINGTON
13-21 SHINER, MARC V. UNITED STATES
13-24 DANIEL, JOHN V. UNIVERSAL ENSCO, INC.
13-114 MONREAL, FRANCISCO J. V. NEW YORK, ET AL.

13-122 WHITAKER, VIRGINIA D. V. NASH COUNTY, NC, ET AL.
13-189 VONEIDA, KENNETH L. V. STOEHR, KEVIN, ET AL.
13-220 FISCHER, LILLIAN V. NEW YORK, NY, ET AL.
13-5008 IN RE GARY HUNT
13-5032 JOHNSON, VINCENT S. V. UNITED STATES
13-5100 RICE, LAWRENCE V. GEORGIA
13-5127 THOMPSON, ANTWION E. V. RUNNELS, WARDEN, ET AL.
13-5168 JACOBS, ERIKA V. NONPUBLIC POSTSECONDARY ED. COM.
13-5189 REAGLE, JEFFREY L. V. JONES, DIR, OK DOC
13-5232 JACKSON, CLIFFORD V. CURRY, SAMUEL
13-5245 SORO, LUIS A. V. SORO, JOSE L.
13-5280 GREGORY, JOHNNY B. V. ADAMS, JUDGE, ETC., ET AL.
13-5297 MAY, DERIC L. V. PATTERSON, TONY, ET AL.
13-5335 RICHARDS, VELMA J. V. BRITISH PETROLEUM, ET AL.
13-5467 IN RE SAID GSSIME
13-5491 JACKSON, CLIFFORD A. V. HARGADON, EDWARD R.
13-5528 MARTINEZ, PATRICIA V. MARTINEZ, MICHAEL, ET AL.
13-5529 HOFLAND, RANDALL V. MAINE
13-5551 IN RE GARY E. SUTTON
13-5627 HARRIS, MICHAEL E. V. MESSITTE, JUDGE, ET AL.
13-5668 BUCZEK, SHANE C. V. UNITED STATES
13-5731 DUMEY, MELVIN V. KISSIMMEE UTILITY AUTHORITY
13-5748 IN RE DERRICK A. POLLY
13-5816 MARTINEZ, PATRICIA V. MARTINEZ, MICHAEL, ET AL.
13-5829 SHELL, ROBERT E. V. CLARKE, DIR., VA DOC
13-6125 LONG, WAY Q. V. UNITED STATES
13-6161 KEYS, BOBBY E. V. UNITED STATES

The petitions for rehearing are denied.

12-8364 FULKS, CHADRICK E. V. UNITED STATES

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

12-9125 CAIN, DAVID V. UNITED STATES

12-10843 KEARNEY, RICHARD V. GRAHAM, SUPT., AUBURN

The petitions for rehearing are denied. Justice Sotomayor took no part in the consideration or decision of these petitions.

12-10974 FIELDS, JIMMY L. V. UNITED STATES

13-5359 BRYANT, LOUIS A. V. UNITED STATES

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

13-5942 SESSA, MICHAEL V. UNITED STATES

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

ATTORNEY DISCIPLINE

D-2747 IN THE MATTER OF DISCIPLINE OF MICHELLE HAMILTON DAVY

Michelle Hamilton Davy, of Largo, Maryland, 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.

D-2748 IN THE MATTER OF DISCIPLINE OF GEORGE M. NACHWALTER

George M. Nachwalter, of Miami, 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-2749 IN THE MATTER OF DISCIPLINE OF MARK ALAN SARGENT

Mark Alan Sargent, of Devon, Pennsylvania, 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 STATESFORD MOTOR COMPANY *v.* UNITED STATESON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 13–113. Decided December 2, 2013

PER CURIAM.

When a taxpayer overpays his taxes, he is generally entitled to interest from the Government for the period between the payment and the ultimate refund. See 26 U. S. C. §6611(a). That interest begins to run “from the date of overpayment.” §§6611(b)(1), (b)(2). But the Code does not define “the date of overpayment.”

In this case, after the Internal Revenue Service advised Ford Motor Company that it had underpaid its taxes from 1983 until 1989, Ford remitted a series of deposits to the IRS totaling \$875 million. Those deposits stopped the accrual of interest that Ford would otherwise owe once the audits were completed and the amount of its underpayment was finally determined. See §6601; Rev. Proc. 84–58, 1984–2 Cum. Bull. 501. Later, Ford requested that the IRS treat the deposits as advance payments of the additional tax that Ford owed. Eventually the parties determined that Ford had overpaid its taxes in the relevant years, thereby entitling Ford to a return of the overpayment as well as interest. But the parties disagreed about when the interest began to run under 26 U. S. C. §6611(b)(1). Ford argued that “the date of overpayment” was the date that it first remitted the deposits to the IRS. *Ibid.* The Government countered that the date of overpayment was the date that Ford requested that the IRS treat the remittances as payments of tax. The difference between the parties’ competing interpretations of §6611(b) is worth some \$445 million.

Ford sued the Government in Federal District Court,

Per Curiam

asserting jurisdiction under 28 U. S. C. §1346(a)(1). The Government did not contest the court’s jurisdiction. See Brief in Opposition 3, n. 3. The District Court accepted the Government’s construction of §6611(b) and granted its motion for judgment on the pleadings. A panel of the Court of Appeals for the Sixth Circuit affirmed, concluding that §6611 is a waiver of sovereign immunity that must be construed strictly in favor of the Government. 508 Fed. Appx. 506 (2012).

Ford sought certiorari, arguing that the Sixth Circuit was wrong to give §6611 a strict construction. In Ford’s view, it is 28 U. S. C. §1346—not §6611—that waives the Government’s immunity from this suit, and §6611(b) is a substantive provision that should not be construed strictly. See *Gómez-Pérez v. Potter*, 553 U. S. 474, 491 (2008); *United States v. White Mountain Apache Tribe*, 537 U. S. 465, 472–473 (2003). In its response to Ford’s petition for certiorari, however, the Government contended for the first time that §1346(a)(1) does not apply at all to this suit; it argues that the only basis for jurisdiction, and “the only general waiver of sovereign immunity that encompasses [Ford’s] claim,” is the Tucker Act, 28 U. S. C. §1491(a). Brief in Opposition 3, n. 3. Although the Government acquiesced in jurisdiction in the lower courts, if the Government is now correct that the Tucker Act applies to this suit, jurisdiction over this case was proper only in the United States Court of Federal Claims. See §1491(a).

This Court “is one of final review, ‘not of first view.’” *FCC v. Fox Television Stations, Inc.*, 556 U. S. 502, 529 (2009) (quoting *Cutter v. Wilkinson*, 544 U. S. 709, 718, n. 7 (2005)). The Sixth Circuit should have the first opportunity to consider the Government’s new contention with respect to jurisdiction in this case. Depending on that court’s answer, it may also consider what impact, if any, the jurisdictional determination has on the merits issues, especially whether or not §6611 is a waiver of sovereign

Per Curiam

immunity that should be construed strictly.

The petition for certiorari is granted, the judgment of the Sixth Circuit is vacated, and the case is remanded for further proceedings.

It is so ordered.