

(ORDER LIST: 538 U.S.)

MONDAY, MARCH 10, 2003

**CERTIORARI -- SUMMARY DISPOSITION**

01-1487 MAYLE, WARDEN, ET AL. V. BROWN, RICHARD N., ET AL.

The motion of respondents for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Ninth Circuit for further consideration in light of *Lockyer v. Andrade*, 538 U. S. \_\_\_\_ (2003).

01-9879 HERBERT, TODD A. 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 Fourth Circuit for further consideration in light of *Clay v. United States*, 537 U. S. \_\_\_\_ (2003).

01-10898 SIFFORD, CURTIS 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 Fourth Circuit for further consideration in light of *Clay v. United States*, 537 U. S. \_\_\_\_ (2003).

02-127 McGRATH, WARDEN, ET AL. V. CHIA, MICHAEL S.

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Ninth Circuit for further consideration in light of *Lockyer v. Andrade*, 538 U. S. \_\_\_\_ (2003).

02-6427 SIMBOLI, ROBERT V. CROSBY, SEC., FL DOC, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *Clay v. United States*, 537 U. S. \_\_\_\_ (2003).

02-7089 QUICK, MELVIN 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 Fourth Circuit for further consideration in light of *Clay v. United States*, 537 U. S. \_\_\_\_ (2003).

#### **ORDERS IN PENDING CASES**

02A624 DIANE P. GILES V. JOHN ASHCROFT, ATTORNEY GENERAL

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

02M64 BEATY, DONALD E. V. RYAN, ACT. DIR., AZ DOC

02M65 MEHTA, KIRIT V. KONICA BUSINESS MACHINES

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

02-94 OVERTON, DIR., MI DOC V. BAZZETTA, MICHELLE, ET AL.

The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted.

02-102 LAWRENCE, JOHN G., ET AL. V. TEXAS

The motion of Center for Law and Justice International for leave to file a brief as *amicus curiae* is granted.

02-241 GRUTTER, BARBARA V. BOLLINGER, LEE, ET AL.

The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted. The motion of Exxon Mobil Corporation for leave to file a brief as *amicus curiae* is granted. The motion of respondent Kimberly James, et al. for enlargement of argument time and for divided argument, or in the alternative, for divided argument is denied.

02-516 GRATZ, JENNIFER, ET AL. V. BOLLINGER, LEE, ET AL.

The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted. The motion of Exxon Mobil Corporation for leave to file a brief as *amicus curiae*

is granted. The motion of respondent Ebony Patterson, et al. for additional argument time and for divided argument, or in the alternative, for divided argument is denied.

02-634 GREEN TREE FINANCIAL CORP. V. BAZZLE, LYNN W., ET AL.

The motion of Washington Legal Foundation for leave to file a brief as *amicus curiae* is granted.

02-722 AM. INS. ASSN., ET AL. V. GARAMENDI, JOHN, ETC.

The motion of Mitsubishi Materials Corporation, et al. for leave to file a brief as *amici curiae* is granted.

02-857 HOUSEHOLD CREDIT SERVICES V. PFENNIG, SHARON R.

The Solicitor General is invited to file a brief in this case expressing the views of the United States.

#### **CERTIORARI GRANTED**

02-693 LAMIE, JOHN M. V. UNITED STATES TRUSTEE

The petition for a writ of certiorari is granted.

02-628 FREW, LINDA, ETC., ET AL. V. HAWKINS, COMM'R, TX H&HS

The petition for a writ of certiorari is granted limited to Questions 1 and 2 presented by the petition.

02-682 VERIZON COMMUNICATIONS V. LAW OFFICES OF CURTIS TRINKO

The petition for a writ of certiorari is granted limited to the following Question: "Did the Court of Appeals err in reversing the District Court's dismissal of respondent's antitrust claims?"

02-6320 FELLERS, JOHN J. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted.

**CERTIORARI DENIED**

01-8816 BOWEN, JESUS P. V. CALIFORNIA

01-8819 MacPHEAT, WILLIAM R. V. MAZUREK, JOE, ET AL.

01-9877 JACKSON, JIMMY J. V. CALIFORNIA

01-10226 MATTHEWS, DARYL D. V. CALIFORNIA

01-10402 HARRIS, DONALD E. V. CALIFORNIA

01-10832 WRIGHT, JOHN A. V. MOORE, SEC., FL DOC

02-639 ANDERSON, PATRICIA, ET AL. V. TREADWELL, SEC. OF ST. OF NY

02-651 RODRIGUEZ, JOE J. V. FARRELL, WAYNE, ET AL.

02-750 ROGERS MACHINERY CO., INC. V. WASHINGTON COUNTY, OR

02-754 GRIFFIS, KATHERINE V. LUBAN, MARIANNE

02-834 JERICOL MINING INC., ET AL. V. NAPIER, EUGENE, ET AL.

02-850 RANCHO LOBO, LTD. V. DeVARGAS, ANTONIO, ET AL.

02-859 VAILE, R. SCOTLUND V. PORSBOLL, CISILIE A., ET AL.

02-862 BOISE CASCADE CORP. V. UNITED STATES

02-864 ALABAMA V. BRYANT, SEDINA L.

02-876 BALLARD, TERESA, ET AL. V. ADVANCE AMERICA, ET AL.

02-896 FLUOR HANFORD, INC., ET AL. V. BRUNDRIDGE, SCOTT, ET AL.

02-914 MAYFIELD HEIGHTS, OH, ET AL. V. SHEMO, MICHAEL, ET AL.

02-997 MONTALVO, NANCY, ET AL. V. BORKOVEC, TERRE, ET AL.

02-1001 MESSINA, JOHN P. V. JOHN LABATT LTD., ET AL.

02-1002 NICKLAS, JOHN V. EAGLE, KIM, ET AL.

02-1004 ELVIN, ARTHUR, ET AL. V. SUPERIOR COURT OF CA  
02-1005 SEARLES, KEVIN, ET AL. V. PATEL, JATIN  
02-1008 NARTRON CORP. V. STMICROELECTRONICS, INC.  
02-1009 SCICCHITANO, DON, ET AL. vs. MT. CARMEL, PA, AREA SCHOOL  
02-1013 BAU, NORMAN J. V. ACTAMED CORP.  
02-1014 BRASSICA PROTECTION PROD. V. SUNRISE FARMS, ET AL.  
02-1017 TRI-COUNTY CONCERNED CITIZEN V. CARR, RAYMOND, ET AL.  
02-1020 HORTON, ROBERT V. CITY COLLEGES OF CHICAGO  
02-1021 HARPER, JANELL S. V. AL PERSONNEL BD., ET AL.  
02-1022 FARROW, FRANK L. V. AMER. POSTAL WORKERS, ET AL.  
02-1023 MULCAHEY SEAN M. V. EURO GENERAL CONTRACTORS  
02-1026 MILLER, MICHAEL L. V. SOUTHWESTERN BELL TELEPHONE  
02-1029 SNOHOMISH COUNTY, WA, ET AL. V. GOBIN, KIM, ET AL.  
02-1031 SCHER, STEPHEN B. V. PENNSYLVANIA  
02-1039 BROWN, CHRISTOPHER T. vs. LI, CHARLES, ET AL.  
02-1046 DACOSTA, MELANIE L. V. NWACHUKWA, STANISLAUS  
02-1052 MEDVED, VIOLA V. WORKERS' COMP. APPLS. BD.  
02-1064 ROEHLER, PETER V. MIDDLESEX COUNTY HEALTH  
02-1079 MAYER, JOSEPH P., ET AL. V. TRANSAMERICA TITLE INS. CO.  
02-1082 CARTWRIGHT, MICHAEL, ET AL. V. PERDUE, GOV. OF GA, ET AL.  
02-1089 LEWIS, EDWARD M., ET AL. V. STOLLE, SANDRA, ET AL.  
02-1165 STEWART, ALLEN W. V. UNITED STATES  
02-5487 SHEPARD, RICHARD V. CALIFORNIA  
02-6141 SCOGGINS, LAMONT J. V. CALIFORNIA  
02-6235 JOHNSON, DARRELL V. LOUISIANA  
02-6296 RANKINS, RANDOLPH V. CAREY, WARDEN, ET AL.  
02-6422 ROGERS, ROY E. V. YARBOROUGH, WARDEN, ET AL.

02-6435 HYATT, WILLIAM K. V. KENTUCKY  
02-6603 RIOS, ALBERTO V. ALAMEIDA, DIR., CA DOC  
02-6698 HUGHES, SAM W. V. CALIFORNIA  
02-6725 PAGTALUNAN, DAVID V. GALAZA, WARDEN  
02-7006 PIMPTON, BILLY R. V. CALIFORNIA  
02-7654 SANCHEZ-SANCHEZ, CESAR V. UNITED STATES  
02-7813 ARAUJO, MARIA L. V. UNITED STATES  
02-7868 HERNANDEZ, MANUEL, ET AL. V. UNITED STATES  
02-7916 YATES, IVON E. V. UNITED STATES  
02-7936 KURDYUKOV, SERGIY V. UNITED STATES  
02-7937 MARINICH, JEANETTE V. PEOPLES GAS LIGHT AND COKE  
02-7956 WANG, STEPHEN V. CIR  
02-8279 DOPP, RICHARD L. V. HARKINS, SHERIFF, ET AL.  
02-8284 McLEOD, WANDA B. V. SESSIONS, WARDEN  
02-8285 BONARD, LAZARO C. V. FLORIDA  
02-8288 TEAGUE, HUBERT E. V. WOLFE, SAMUEL J., ET AL.  
02-8289 ABDULLAH, ZAKEE K. V. TEXAS  
02-8290 DARBY, RICHARD A. V. CAIN, WARDEN  
02-8293 DeVAUGHN, MICHAEL O. V. DOVE, WARDEN  
02-8295 DUDLEY, LEE A. V. JONES, WARDEN  
02-8297 HOOKS, LAMONT B. V. CICCOLINI, THOMAS, ET AL.  
02-8300 GLADNEY, ABRAHAM V. PENDLETON CORR. FAC., ET AL.  
02-8307 SCOTT, MARILYN V. ADULT PROTECTIVE SERVICES  
02-8309 ARNOLD, DUDLEY V. HALL, WARDEN  
02-8312 FRANCIS, LOUIS V. BROWN, WARDEN, ET AL.  
02-8313 TERRY, RONALD V. COMPTON, JOHNNY, ET AL.  
02-8314 VonBORSTEL, DAVID V. FLORIDA

02-8318 CHIPP, ADOLPH J. V. CROSBY, SEC., FL DOC  
02-8320 DEHONEY, MICHAEL F. V. MONTGOMERY, WARDEN, ET AL.  
02-8335 ELRAWI, MOHAMED A. V. CALIFORNIA  
02-8350 WEAVER, STEVEN L. V. TEXAS  
02-8352 WILLIS, BRUCE L. V. COCKRELL, DIR., TX DCJ  
02-8353 WILLIAMS, STACEY A. V. THOMPSON, WARDEN, ET AL.  
02-8354 WILSON, DONALD P. V. BECK, HAROLD W., ET AL.  
02-8355 WITHEROW, JOHN V. MELIGAN, WARDEN  
02-8358 SIMPSON, RONALD, ET AL. V. IDAHO  
02-8360 MARSHALL, ROBERT O. V. HENDRICKS, ROY L., ET AL.  
02-8361 CLAY, KEITH B. V. COCKRELL, DIR., TX DCJ  
02-8362 WHITSON, DARIUS J. V. MARRIOTT PAVILION, ET AL.  
02-8366 PAGAN, OSCAR V. GOORD, COMM'R, NY DOC  
02-8369 CASH, KELLY V. YUKINS, WARDEN  
02-8371 LEWIS, JAMES N. V. HOLDER, CARL  
02-8376 THOMAS, RODNEY V. CROSBY, SEC., FL DOC  
02-8381 VOGEL, CHRISTOPHER A. V. ARIZONA  
02-8383 BARKSDALE, KENNETH W. V. ANGELONE, DIR., VA DOC  
02-8386 GRUBOR, JOHN V. GRUBOR, KAREN  
02-8390 JONES, JEFFERY R. V. RILEY, BOB, ET AL.  
02-8391 EDMOND, ALBERT V. HANCOCK, REGINA, ET AL.  
02-8393 DANIELS, JOHN V. SHANNON, SUPT., MAHANAY  
02-8394 BISHOP, KYLE R. V. STREEFKIRK, DARRELL, ET AL.  
02-8395 BISHOP, KYLE R. V. SCOTT, DAVID, ET UX.  
02-8397 CELAJ, ALI V. GREINER, SUPT., GREEN HAVEN  
02-8398 CARDENAS, LEOPOLDO C. V. WASHINGTON  
02-8400 DEDMON, ANDRE V. YARBOROUGH, WARDEN, ET AL.

02-8402 BAILEY, DEMETRIUS V. BLAINE, SUPT., GREENE  
02-8403 ALLEN, NELSON V. CRAWFORD, DIR., NV DOC  
02-8404 MUSAYEV, AREF K. V. WASHINGTON  
02-8407 CLAIBORNE, DENNIS G. V. IRWIN, GARY  
02-8410 DELL, LAWRENCE V. STRAUB, WARDEN  
02-8415 DeLOATCH, ANTHONY V. JOHNSON, SUPT., PITTSBURGH  
02-8424 CHAPEY, MICHAEL V. KEMNA, SUPT., CROSSROADS  
02-8467 GLEAN, MICHAEL V. SIKES, WARDEN  
02-8472 LI, HELEN V. UNIV. OF TEXAS, ETC., ET AL.  
02-8484 CLARKE, TIMOTHY V. HAWORTH, VIRGINIA  
02-8486 CAMPBELL, LAMAR V. GRAYSON, WARDEN  
02-8507 THURSTON, JOHN E. V. FLORIDA  
02-8571 SCOTT, WILLIAM G. V. SMITH, WARDEN  
02-8641 SILVA, NORA V. KALBAC, DANIEL  
02-8677 GOSSARD, JAMES H. V. VIRGINIA  
02-8682 CASTANEDA-GARCIA, JESUS V. UNITED STATES  
02-8683 DIEZ, LAZARO V. UNITED STATES  
02-8704 FREEMAN, KERRICK V. UNITED STATES  
02-8714 D'ALESSANDRO, JOSEPH L. vs. L.L. BEAN, INC., ET AL.  
02-8723 AYALA, JOHN V. ILLINOIS  
02-8726 BUDD, LARRY J. vs. U. S. PAROLE COMM'N, ET AL.  
02-8728 McREYNOLDS, MARLON, ET AL. V. UNITED STATES  
02-8733 MICK, STEVEN E. V. UNITED STATES  
02-8735 GOMEZ-VAZQUEZ, EDUARDO V. UNITED STATES  
02-8736 ADDY, DIXON V. UNITED STATES  
02-8744 LONDON, WILLIE J. V. MILLER, SUPT., EASTERN  
02-8750 COGER, WILLIAM D. V. UNITED STATES

02-8764 BENTON, THOMAS L. V. CRIST, ATT'Y GEN. OF FL  
02-8783 WILLIAMS, LORETTA V. ILLINOIS  
02-8802 BUTLER, EDWARD R. V. UNITED STATES  
02-8809 TAUMOEPEAU, RICHARD B. V. UNITED STATES  
02-8817 CHAVEZ, JUAN R. V. COCKRELL, DIR., TX DCJ  
02-8824 JULIAN, EDWARD V. UNITED STATES  
02-8832 VANASSE, MICHAEL V. UNITED STATES  
02-8833 WRIGHT, CHEKILA L. V. UNITED STATES  
02-8836 COOPER, WANDA V. ILLINOIS  
02-8843 ARELLANO-TORRES, MIGUEL A. V. UNITED STATES  
02-8858 MARTIN, ROBERT E. V. UNITED STATES  
02-8864 JOHNSON, LAWRENCE V. UNITED STATES  
02-8869 THIBODEAU, PEGGY SUE V. UNITED STATES  
02-8880 IKNER, REGINALD W. V. UNITED STATES  
02-8885 SHAMISELDIN, DENISE V. ILLINOIS  
02-8888 BALL, MICHAEL D. V. UNITED STATES  
02-8895 ELLIS, GREG V. ILLINOIS  
02-8905 SCULLOCK, WILLIE A. V. CROSBY, SEC., FL DOC  
02-8936 PERRY, ALONZO R. V. McCAUGHTRY, WARDEN

The petitions for writs of certiorari are denied.

02-638 AGENCIA LA ESPERANZA CORP. V. ORANGE CTY. BD. SUPERVISORS

The motion of National Association of Home Builders  
for leave to file a brief as *amicus curiae* is granted.

The petition for a writ of certiorari is denied.

02-845 SILVEY, PATRICIA W. V. CHAO, SEC. OF LABOR

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

decision of this petition.

02-996      OVERNITE TRANSP. CO. V. INT'L BRO. TEAMSTERS, ET AL.

The motion of National Right to Work Legal Defense Foundation, Inc. for leave to file a brief as *amicus curiae* is granted. The motion of Chamber of Commerce of the United States for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

02-8408      EURY, MUHAMMAD A. S. vs. HAMILTON, SERGEANT, ET AL.

02-8409      EURY, MUHAMMAD A. S. vs. ROUNTREE, MR., ET AL.

02-8417      EURY, MUHAMMAD A. S. vs. GOINS, OFFICER, ET AL.

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

#### **MANDAMUS DENIED**

02-8412      IN RE KATHLEEN COLLINS AND MARY COLLINS

The petition for a writ of mandamus is denied.

#### **REHEARINGS DENIED**

01-618      ELDRED, ERIC, ET AL. V. ASHCROFT, ATTORNEY GENERAL

01-7601      THOMAS, GREGORY M. V. UNITED STATES

02-624      AGUILERA, ENOC C., ET UX. vs. DANIELS/NICHOLSON INS.

02-677      PALUMBO, FRANK D. V. WEILL, SANFORD I., ET AL.

02-824      ST. HILAIRE, CLEMENT A. V. NEW HAMPSHIRE REAL ESTATE

02-5307      IN RE JOYCE PATTERSON-BEGGS

02-6685      PRATHER, JOHNNY I. vs. GA BD. OF PARDONS & PAROLES

02-6747 IN RE MARTHA M. TOPPS  
02-7215 WHIGHAM, DIANNA V. ARIZONA, ET AL.  
02-7252 WILCOX, ROBERTA V. IRON OUT, INC., ET AL.  
02-7337 THARPE, KEITH L. V. HEAD, WARDEN  
02-7695 McLEOD, LEON V. JONES, WARDEN  
02-7732 CHANEY, RONALD J. V. USPS  
02-7884 DOYHARZABAL, JOSE A. V. UNITED STATES

The petitions for rehearing are denied.

02-249 PEABODY COAL CO. V. GROVES, DIR., OWCP

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

02-670 HAUGHTON, RALSTON, ET UX. V. WAL-MART STORES, INC.

02-822 BOYCE, JAMES M., ET UX. V. UNITED STATES

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

#### **ATTORNEY DISCIPLINE**

D-2346 IN THE MATTER OF CHARLES W. SULLIVAN

Charles W. Sullivan, of New York, New York, having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to the practice of law before this Court. The Rule to Show Cause, issued on February 24, 2003, is discharged.

D-2347 IN THE MATTER OF DISCIPLINE OF DAVID CALDWELL

David Caldwell, of Dallas, Texas, 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-2348 IN THE MATTER OF DISCIPLINE OF MILES HARTMAN APPLEBERRY

Miles Hartman Appleberry, of San Antonio, Texas, 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-2349 IN THE MATTER OF DISCIPLINE OF EDWARD NICHOLAS DANERI

Edward Nicholas Daneri, of San Antonio, Texas, 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-2350 IN THE MATTER OF DISCIPLINE OF STEVEN M. CARSEY

Steven M. Carsey, of Fort Worth, Texas, 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-2351 IN THE MATTER OF DISCIPLINE OF RONALD BRUCE LAYER

Ronald Bruce Layer, of San Antonio, Texas, 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-2352 IN THE MATTER OF DISCIPLINE OF DENNIS FRANCIS MONAHAN

Dennis Francis Monahan, of Medway, 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-2353 IN THE MATTER OF DISCIPLINE OF JAMES ANTHONY GIBBONS

James Anthony Gibbons, of Clinton, 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.