

(ORDER LIST: 578 U.S.)

MONDAY, MAY 16, 2016

ORDERS IN PENDING CASES

15A975 ADETILOYE, ADEKUNLE O. V. UNITED STATES

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

15M113 V. E. V. ME DEPT. OF HEALTH, ET AL.

The motion for leave to file a petition for a writ of certiorari under seal is granted.

15M114 HEATHER S. V. CT DEPT. OF CHILDREN & FAMILIES

The motion of petitioner for leave to proceed *in forma pauperis* with the declaration of indigency under seal is granted.

15M115 WASHINGTON, RAY A. V. UNITED STATES, ET AL.

15M116 VALENZUELA, MELINDA G. V. BYASSE, JENNIE, ET AL.

15M117 WILSON, TAFT V. KENT, WARDEN

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

15-1044 PA HIGHER EDUCATION ASSISTANCE V. PELE, LEE

15-1045 PA HIGHER EDUCATION ASSISTANCE V. UNITED STATES, EX REL. OBERG

The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

15-7364 WILLIAMS, CHAUNCEY A. V. JAMES, A. D., ET AL.

15-7812 ULLAH, FARRIN B. V. WELLS FARGO BANK, N.A.

15-8276 REED, TREVOR V. UNITED STATES

The motions of petitioners for reconsideration of orders

denying leave to proceed *in forma pauperis* are denied.

15-8962 HARRISON, WILLIAM H. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until June 6, 2016, 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.

CERTIORARI DENIED

15-816 SMITH, SHANNON V. ATTOCKNIE, NICOLE, ET AL.

15-859 CHADD, SUSAN M. V. UNITED STATES, ET AL.

15-863 HODGE, HAROLD H. V. TALKIN, MARSHAL, USSC, ET AL.

15-868 HOUSTON, TX V. ZAMORA, CHRISTOPHER

15-900 GUPTA, RAGHUBIR K. V. UNITED STATES

15-933 EXXON MOBIL CORPORATION, ET AL. V. NEW HAMPSHIRE

15-995 LAZZO, MARK J., ET AL. V. ROSE HILL BANK, ET AL.

15-1006 VAWTER, RODNEY G., ET AL. V. ABERNATHY, KENT W.

15-1009 MAIER, DONALD W. V. WISCONSIN

15-1013 PHILIP MORRIS USA INC. V. SCHWARZ, PAUL S.

15-1090 WAYNE COUNTY, MI, ET AL. V. BIBLE BELIEVERS, ET AL.

15-1094 EVANS, LINDA A. V. PITT CTY. DEPT. OF SOCIAL SVCS.

15-1105 ROGERS, JON, ET AL. V. ROMAN CATHOLIC ARCHBISHOP

15-1109 CLARK, ERIC S. V. COUNTY OF FAIRFAX, VA, ET AL.

15-1110 GREENE, KRISTINA, ET AL. V. DAYTON, GOV. OF MN, ET AL.

15-1113 MOORE, ELVAN V. PEDERSON, KEVIN

15-1122 AMERIJET INTERNATIONAL, INC. V. MIAMI-DADE COUNTY, FL

15-1123 BIRO, PETER P. V. CONDE NAST, ET AL.

15-1126 TELFORD, HOLLIE V. UNITED STATES

15-1132 JARVIS, RUSSELL, ET AL. V. VILLAGE GUN SHOP, INC.

15-1135 EAGLE US 2 L.L.C. V. ABRAHAM, EVA D., ET AL.
15-1137 ZIMMECK, STEPHANIE V. MARSHALL UNIV. BD. OF GOVERNORS
15-1148 ABDULLA, SALLAH H. V. EMBASSY OF IRAQ
15-1154 CLAYTON, MARK V. FORRESTER, CHIP, ET AL.
15-1159 DOE, JANE, ET AL. V. EAST LYME BD. OF EDUCATION
15-1162 HAMMANN, JERALD V. SEXTON LOFTS, LLC, ET AL.
15-1172 DRINKARD, LOGAN B. V. FLORIDA
15-1183 HAROLD, KIMBLEY V. CARRICK, MATTHEW M., ET AL.
15-1188 AZAM, NAZIE V. US BANK NATIONAL ASSOCIATION
15-1196 BARON, JEFFREY V. VOGEL, PETER S.
15-1202 SULLIVAN, JAMES D. V. UNITED STATES
15-1214 THOMAS, RANDY A. V. OHIO
15-1219 RIFFIN, JAMES V. SURFACE TRANSP. BD., ET AL.
15-1227 KAPLAN, KATHLEEN M. V. MSPB
15-1230 BOOK, ETHAN V. CONNECTICUT
15-1237 SIMKIN, JAY E. V. SUPREME COURT OF MA
15-1241 NICHOLSON, JAMES V. UNITED STATES
15-1253 BROWN, J. B. V. UNITED STATES
15-1255 DOHERTY, JAMES V. NELLIS, DUANE, ET AL.
15-1260 VARGAS, REGINA E. V. MURPHY, ACTING SEC. OF ARMY
15-1261 MONTGOMERY, NOVA V. UNITED STATES
15-1277 DONALDSON, ROBERT D. V. MSPB, ET AL.
15-1282 BORER, JAMES F. V. LEW, SEC. OF TREASURY, ET AL.
15-1287 MACALPINE, JAMES E. V. UNITED STATES
15-1290 WILEY M. ELICK D.D.S., ET AL. V. CIR
15-6181 FAISON, LOUIS T. V. UNITED STATES
15-6719 FULLER, WILLIAM V. WALTON, WARDEN
15-6793 TORRES, ALFONSO V. UNITED STATES

15-6875 CALHOUN, MICHAEL S. V. UNITED STATES
15-7087 HOUSTON, ROBERT C. V. UTAH
15-7092 OLSON, TOR V. UNITED STATES
15-7313 BELL, RICKEY A. V. TENNESSEE
15-7360 PRECIADO-DELACRUZ, GERARDO V. UNITED STATES
15-7432 SANTANA, HECTOR V. UNITED STATES
15-7490 WILSON, DERRICK D. V. COLORADO
15-7669 McPHEARSON, PEDRO V. BENOVA, WARDEN, ET AL.
15-7733 SPARKS, JENNIFER A. V. UNITED STATES
15-7931 COX, DAVID V. MISSISSIPPI
15-7967 MONJE-RAMIREZ, IRWIN V. UNITED STATES
15-8071 BOYD, DAMON V. UNITED STATES
15-8087 WILLIAMS, RODNEY C. V. MORRIS, JOHN C., ET AL.
15-8135 DRUMMOND, JOHN V. ROBINSON, WARDEN
15-8145 AZMAT, NAJAM V. UNITED STATES
15-8187 SLOCUM, CALVIN V. USPS
15-8277 WILLIAMS, DARRELL E. V. WEBB LAW FIRM
15-8283 MICHAEL, STEPHANIE V. UNITED STATES
15-8396 HANSON, JOHN F. V. SHERROD, WARDEN, ET AL.
15-8412 DEAN, EDWARD, ET AL. V. KEEL, MARK
15-8421 METTLE, GUY V. METTLE, GREGG M.
15-8444 JACKSON, KIM V. FLORIDA
15-8447 MARSHALL, RANDY C. V. CAIN, WARDEN
15-8457 RODRIGUEZ, FELIX W. V. WENEROWICZ, SUPT., ET AL.
15-8462 VANDERHOOF, DANIEL A. V. OHIO
15-8466 JONES, LAVELLE V. MOORE, WARDEN
15-8470 LEWIS, STEVEN M. V. MARYLAND
15-8472 SONIAT, SHELLEY V. JACKSON, EDWARD, ET AL.

15-8475 MIXON, CHARLIE V. NEW YORK
15-8476 BROWNLEE, TERRENCE V. CALIFORNIA
15-8485 JORDAN, SKYLAR V. ILLINOIS
15-8486 JOSEPH, ALIX V. BETH ISRAEL MEDICAL CENTER
15-8487 LEWIS, TYRONE V. MARYLAND
15-8488 MASSEY, PRESTON D. V. TEXAS
15-8489 JACKSON, CARMELA V. MICHIGAN
15-8491 WILSON, BRIAN V. NEW JERSEY
15-8492 WASHINGTON, DeLARRON K. V. KELLEY, DIR., AR DOC
15-8493 OAKMAN, HOLLY V. PENNSYLVANIA
15-8494 RODRIGUEZ, VANESSA L. V. ARIZONA
15-8495 MATLOCK, GEORGE J. V. REISER, WARDEN
15-8496 KERNS, DAVID J. V. STEPHENS, DIR., TX DCJ
15-8499 LISLE, KEVIN J. V. NEVADA
15-8502 BORGES, MANUEL V. NEW YORK
15-8504 YOUNG, WESLEY V. MADDEN, WARDEN
15-8509 ROBERTS, SOLOMON D. V. JONES, SEC., FL DOC
15-8517 SMITH, MOSES L. V. BOLAVA, DEPUTY WARDEN, ET AL.
15-8523 ROSEVEAR, SEAN M. V. CALIFORNIA
15-8526 BLAKE, HAROLD V. FLORIDA, ET AL.
15-8527 MESA, MANUEL V. JONES, SEC., FL DOC
15-8529 MODRALL, ROBERT G. V. O'ROURKE, MARIE A.
15-8532 DAVIS, TRINITY V. MICHIGAN
15-8533 FORCHION, EDWARD R. V. NEW JERSEY
15-8534 HERRIOTT, ALICJA V. HERRIOTT, PAUL
15-8547 RUCKER, DARRELL V. CALIFORNIA
15-8549 MORRISON, CURTIS L. V. PETERSON, MARK
15-8550 HUNTER, DANNEZ V. PEPSICO, INC., ET AL.

15-8554 McKAUFMAN, CARLUS V. FLORIDA
15-8560 ROBINSON, LaMONT V. BREWER, WARDEN
15-8572 WITHERSPOON, DeANDRE V. BURTON, WARDEN
15-8573 JACKSON, EDDIE A. V. UNITED STATES
15-8596 AVALOS, VINCENT J. V. SHERMAN, WARDEN
15-8615 THOMPSON, BOBBY V. OHIO
15-8620 CALLE, WILSON V. UNITED STATES
15-8624 PONDS, STEVEN W. V. KANSAS
15-8630 MACURDY, TOM E. V. BLUE SKY CONDOMINIUM HOMEOWNERS
15-8631 JONES, JOHN H. V. FL PAROLE BOARD, ET AL.
15-8636 TOBKIN, DONALD A. V. CALDERIN, JACQUELINE
15-8648 KHAN, DIANNE V. UNITED STATES, ET AL.
15-8656 LOPEZ, MANUEL S. V. BAKER, WARDEN, ET AL.
15-8662 WILLIAMS, TERRY W. V. MICHIGAN
15-8669 WILSON, CALVIN K. V. JONES, SEC., FL DOC
15-8681 MORALES, CALIXTRO V. LEWIS, WARDEN
15-8689 KRUG, GREGORY C. V. CASTRO, EVELYN G.
15-8691 KINKLE, ALBERT V. COLVIN, ACTING COMM'R, SOCIAL
15-8692 BACHYNSKI, SAMANTHA V. STEWART, WARDEN
15-8705 DAVIS, DELVIN V. UNITED STATES
15-8708 SIERRA-JAIMES, ALFREDO V. UNITED STATES
15-8714 GOSDEN WALTON, DORIAN B. V. UNITED STATES
15-8718 SCOTT, BILLY R. V. KELLEY, DIR., AR DOC
15-8721 SPELLMAN, LONNIE V. TRITT, SUPT., FRACKVILLE, ET AL.
15-8729 TOMLIN, NANCY V. WA DEPT. OF SOCIAL & HEALTH
15-8732 PERRY, ANTHONY V. HOLLOWAY, WARDEN
15-8736 MOSES, GEORGE N. V. EAGLETON, WARDEN, ET AL.
15-8739 WARREN, GARY R. V. APKER, WARDEN

15-8740 WINNINGHAM, GLENN V. WILLIAMS, N. KEITH, ET AL.
15-8743 McCAULEY, MATTHEW J. V. UNITED STATES
15-8748 GARCIA, AGUSTIN V. JOHNSON, ADM'R, NJ
15-8752 YAZZIE, WILLIS J. V. UNITED STATES
15-8754 FOSTER, KENNETH L. V. UNITED STATES
15-8757 ANDERSON, CAMERON V. UTAH
15-8765 MONTGOMERY, TERRANCE V. UNITED STATES
15-8767 SEABRIDGE, RONALD V. UNITED STATES
15-8774 HAWKINS, ISREAL O. V. UNITED STATES
15-8780 ALVIRA-SANCHEZ, CARLOS L. V. UNITED STATES
15-8781 CALLEN, JOHN V. USDC SD TX
15-8783 EVANS, JOSEPH M. V. UNITED STATES
15-8788 NAILS, ANGELA V. SLUSHER, CERITA
15-8793 McDONALD, JAMIL V. PENNSYLVANIA
15-8794 HUDSON, ANTONIO V. TARNOW, JUDGE, USDC MI, ET AL.
15-8795 HAGER, KEITH V. UNITED STATES
15-8796 GRIGSBY, PHILIP A. V. UNITED STATES
15-8799 WILDER, DARREN F. V. UNITED STATES
15-8800 WARD, JOHN B. V. UNITED STATES
15-8801 WIDNER, JAMES V. FLORIDA
15-8805 MARQUEZ-APODACA, JORGE V. UNITED STATES
15-8810 SHORTY, MALA T. V. UNITED STATES
15-8811 CANNON, FEDERICO V. UNITED STATES
15-8812 CLARK, THOMAS H. V. UNITED STATES
15-8813 BRADLEY, JEROME A. V. UNITED STATES
15-8814 CHANEY, CHRISTOPHER V. UNITED STATES
15-8816 SERMENO, VICTOR H. V. UNITED STATES
15-8818 JACKSON, WAYNE V. MASSACHUSETTS

15-8819 LIEDKE, CARL V. UNITED STATES
15-8821 MANN, JACK V. UNITED STATES
15-8822 SHEIKH, JIMIL V. FLORIDA
15-8824 WALJI, ABDUL V. UNITED STATES
15-8837 JACK, NATHAN D. V. UNITED STATES
15-8838 PADILLA, FELIPE V. UNITED STATES
15-8841 MORENO-GODOY, LUIS F. V. UNITED STATES
15-8843 THORPE, JUDY V. NEW JERSEY, ET AL.
15-8845 WOOLRIDGE, KEITH V. UNITED STATES
15-8846 THOMAS, ANTHONY V. UNITED STATES
15-8852 CARMICHAEL, AARON V. UNITED STATES
15-8856 ASCENCIO, ISMAEL V. UNITED STATES
15-8858 COCHRAN, JAMES F. V. UNITED STATES
15-8860 BENTLEY, TYRONE V. UNITED STATES
15-8861 BLANK, TRAVIS H. V. BELL, LINDA
15-8863 MORRIS, WAYNE N. V. FEATHER, WARDEN
15-8867 GARCIA-LOPEZ, IVAN V. UNITED STATES
15-8868 SMITH, ANGELEDITH S. V. UNITED STATES
15-8870 BLANK, TRAVIS V. ROBINSON, MELINDA
15-8873 LOMAX, BRANDON V. UNITED STATES
15-8874 DeCOLOGERO, PAUL A., ET AL. V. UNITED STATES
15-8876 MACK, RALPHIEL V. UNITED STATES
15-8879 MUNIZ, ANGEL V. UNITED STATES
15-8881 STIRLING, JOHN P. V. UNITED STATES
15-8885 BROWN, JAROD V. UNITED STATES
15-8886 BROADNAX, RAZHAM D. V. UNITED STATES
15-8887 BLANC, KENNY V. UNITED STATES
15-8895 LAGOS-MEDINA, JUAN C. V. UNITED STATES

15-8898 WALLACE, WILLIAM V. ISRAEL, SHERIFF, ET AL.
15-8907 WHITE, CLARENCE J. V. UNITED STATES
15-8909 BIRD, JOHN D. V. UNITED STATES
15-8911 ABDUR-RAHIIM, MUHSIN H. V. HOLLAND, WARDEN
15-8917 RAMOS-RODRIGUEZ, JESUS G. V. UNITED STATES
15-8918 RODRIGUEZ, PEDRO L. V. UNITED STATES
15-8919 RAMOS-PINEIRO, JEAN C. V. UNITED STATES
15-8921 LYNN, REMORREYO A. V. UNITED STATES
15-8925 ROMANO, JOSEPH V. UNITED STATES
15-8926 BARLOW, CAMDEN T. V. UNITED STATES
15-8927 COLLIER, JAZZY D. V. UNITED STATES
15-8928 ALLEN, JULIO C. V. UNITED STATES
15-8941 STRICKLAND, JOSEPH L. V. UNITED STATES
15-8943 PINEDA-GOIGOCHEA, FRANCISCO V. UNITED STATES
15-8947 MALADY, JAMES V. UNITED STATES
15-8948 PRESLEY, CEDRIC V. UNITED STATES
15-8949 WALKER, NICOLE V. UNITED STATES
15-8952 STINSON, EUGENE V. UNITED STATES
15-8960 FREE, PAUL V. UNITED STATES
15-8961 FLEETWOOD, SHANE J. V. UNITED STATES
15-8963 GRACIANI-FEBUS, MIKE V. UNITED STATES
15-8973 SU, SUSAN X. V. UNITED STATES
15-8977 DEERING BEY, JEROME F. V. UNITED STATES
15-8978 CHARLES, ERICK V. UNITED STATES
15-8996 WILLIAMS, KENNETH F. V. UNITED STATES

The petitions for writs of certiorari are denied.

15-1037 BYRNE, WARDEN, ET AL. V. SAMPSON, WILLIE

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

pauperis is granted. The petition for a writ of certiorari is denied.

15-1146 LEE, CYNTHIA V. FAIRFAX CTY. SCH. BOARD, ET AL.

The motion of Camden County East Branch of the N.A.A.C.P., et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

15-1236 JOLLEY, WILLIAM B. V. MSPB, ET AL.

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

15-8498 JOHNSON, ZACHARY V. EPPS, COMM'R, MS DOC

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*).

15-8626 REDDY, KRISHNA V. GILBERT MEDICAL, 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.

15-8848 VENTURA-VERA, JUAN 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. Justice Kagan took no part in the

consideration or decision of this motion and this petition.

15-8871 ASKEW, ANTHONY V. UNITED STATES

15-8884 JEEP, DAVID V. UNITED STATES

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

15-8894 POLK, GENE 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. Justice Kagan took no part in the consideration or decision of this motion and this petition.

15-8896 OHAYON, MICHAEL V. UNITED STATES

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

HABEAS CORPUS DENIED

15-8986 IN RE JUAN SANCHEZ

The petition for a writ of habeas corpus is denied.

15-9006 IN RE PAUL B. GOIST

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

MANDAMUS DENIED

15-8456 IN RE SHAW RAHMAN
15-8610 IN RE VIVEK SHAH
15-8797 IN RE MARCUS HAHN

The petitions for writs of mandamus are denied.

15-8441 IN RE CEDRIC GREENE

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

REHEARINGS DENIED

14-9806 COOK, ROBERT C. V. CASHLER, UNKNOWN, ET AL.
15-788 MARGELIS, ELLEN V. INDYMAC BANK, ET AL.
15-794 WALKER, RALPH D. V. WALKER, ELENA
15-904 AARON, VALENCIA V. AL ALCOHOLIC BEVERAGE, ET AL.
15-6840 THOMAS, JAMES R., ET UX. V. CHATTAHOOCHEE JUDICIAL CIRCUIT
15-7139 SELDEN, GLENN L. V. JONES, SEC., FL DOC
15-7153 SUTEERACHANON, RUNGRUDEE V. McDONALD'S RESTAURANTS OF MD
15-7234 CRUDUP, DON V. ENGLEHART, ET AL.
15-7256 COLE, AKANNI L. V. STEPHENS, DIR., TX DCJ
15-7356 SPEAR, STEVEN A. V. KIRKLAND, AMY, ET AL.
15-7375 KELLY, MICHAEL A. V. STREETER, DANIEL R.
15-7467 GOUCH-ONASSIS, DEBORAH E. V. CALIFORNIA

15-7472 EPSHTEYN, YURIY S. V. COURT OF COMMON PLEAS OF PA
15-7613 SANCHEZ, RICARDO E. V. STEPHENS, DIR., TX DCJ
15-7708 BROWN, FELIX V. LAZAROFF, WARDEN
15-7730 SCHMITT, ROBERT J. V. TEXAS
15-7736 TAYLOR, TERRELL V. NEW YORK
15-7742 RUNNELS, JASON V. McDOWELL, WARDEN
15-7748 STURGIS, DONALD C. V. MICHIGAN
15-7753 SMITH, JONATHAN D. V. MISSOURI, ET AL.
15-7775 REILLY, SEAN P. V. HERRERA, GUELSY, ET AL.
15-7781 WOOD, BRUCE V. PIERCE, WARDEN, ET AL.
15-7861 STEWART, CARL W. V. UNITED STATES
15-7990 KENNEDY, KEVIN J. V. UNITED STATES
15-8007 CURRY, JAMES B. V. SOUTH CAROLINA
15-8014 BAMDAD, MASOUD V. DEA, ET AL.
15-8067 PETERSON, HENRY L. V. JONES, SEC., FL DOC, ET AL.
15-8082 SIMMONS, ANTHONY L. V. UNITED STATES
15-8115 DAVIS, DARLENE J. V. COMCAST CORP., INC., ET AL.
15-8142 MELOT, BILLY R. V. UNITED STATES
15-8146 BIGELOW, WADE H. V. UNITED STATES

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-2887 IN THE MATTER OF DISCIPLINE OF RONALD DALE MICHAEL

Ronald Dale Michael, of Booneville, Mississippi, 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-2888

IN THE MATTER OF DISCIPLINE OF TIMOTHY DUNCAN NAEGELE

Timothy Duncan Naegele, of Malibu, California, 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-2889

IN THE MATTER OF DISCIPLINE OF JACK ISRAEL ADLER

Jack Israel Adler, of Moreno Valley, California, 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-2890

IN THE MATTER OF DISCIPLINE OF JAMES JOSEPH WARNER

James Joseph Warner, of San Diego, California, 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-2891

IN THE MATTER OF DISCIPLINE OF STANLEY ALARI

Stanley Alari, of Novada City, California, 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-2892

IN THE MATTER OF DISCIPLINE OF JANET ANTHONY MASTRONARDI

Janet Anthony Mastronardi, of East Greenwich, Rhode Island, 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-2893

IN THE MATTER OF DISCIPLINE OF JEROME EDWARD CLAIR

Jerome Edward Clair, of Ft. Lauderdale, 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-2894

IN THE MATTER OF DISCIPLINE OF DAVID J. SEEGER

David J. Seeger, of Buffalo, 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-2895

IN THE MATTER OF DISCIPLINE OF RAYMOND L. HUFF

Raymond L. Huff, of Peoria, 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-2896

IN THE MATTER OF DISCIPLINE OF EDMUND BENEDICT MORAN, JR.

Edmund Benedict Moran, Jr., of Evanston, 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-2897

IN THE MATTER OF DISCIPLINE OF KRISTAN L. PETERS-HAMLIN

Kristan L. Peters-Hamlin, of Westport, Connecticut, 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-2898 IN THE MATTER OF DISCIPLINE OF SHELDON SILVER

Sheldon Silver, of New York, 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-2899 IN THE MATTER OF DISCIPLINE OF ROBERT J. KERNS

Robert J. Kerns, of North Wales, 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.

D-2900 IN THE MATTER OF DISCIPLINE OF STEVEN JAMES TERRY

Steven James Terry, of Cleveland, 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-2901 IN THE MATTER OF DISCIPLINE OF LYNN GAINES TOWERY

Lynn Gaines Towery, of Plano, Texas, 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-2902 IN THE MATTER OF DISCIPLINE OF RICHARD T. HARRIS

Richard T. Harris, of Rego Park, 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-2903 IN THE MATTER OF DISCIPLINE OF WILLIAM E. H. TAGUPA

William E. H. Tagupa, of Honolulu, Hawaii, 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-2904

IN THE MATTER OF DISCIPLINE OF FREDERICK B. HAYES, III.

Frederick B. Hayes, III., of Boston, 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.

Per Curiam

SUPREME COURT OF THE UNITED STATES

SCOTT KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION *v.* ANTONIO A. HINOJOSA

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

No. 15–833 Decided May 16, 2016

PER CURIAM.

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) requires a state prisoner seeking federal habeas relief first to “exhaus[t] the remedies available in the courts of the State.” 28 U. S. C. §2254(b)(1)(A). If the state courts adjudicate the prisoner’s federal claim “on the merits,” §2254(d), then AEDPA mandates deferential, rather than *de novo*, review, prohibiting federal courts from granting habeas relief unless the state-court decision “was contrary to, or involved an unreasonable application of, clearly established Federal law,” §2254(d)(1), or “was based on an unreasonable determination of the facts,” §2254(d)(2). The Ninth Circuit in this case decided that the Supreme Court of California’s summary denial of a habeas petition was *not* “on the merits,” and therefore AEDPA’s deferential-review provisions did not apply. We summarily reverse.

Respondent Antonio Hinojosa was serving a 16-year sentence for armed robbery and related crimes when, in 2009, California prison officials “validated” him as a prison-gang associate and placed him in a secured housing unit. At the time of Hinojosa’s offense and conviction, California law had permitted prisoners placed in a secured housing unit solely by virtue of their prison-gang affiliations to continue to accrue good-time credits. See Cal. Penal Code Ann. §2933.6 (West 2000). In 2010, the California Legislature amended the law so that prison-gang

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associates placed in a secured housing unit could no longer earn future good-time credits, although they would retain any credits already earned. §2933.6(a) (West Supp. 2016).

Hinojosa filed a state habeas petition, arguing (as relevant here) that applying the new law to him violated the Federal Constitution's prohibition of *ex post facto* laws. See Art. I, §10, cl. 1; *Weaver v. Graham*, 450 U. S. 24 (1981). The Orange County Superior Court denied the claim “on grounds petitioner has not sought review of his claim of error in the proper judicial venue.” App. to Pet. for Cert. 44a. The court explained:

“Although any superior court has jurisdiction to entertain and adjudicate a petition for writ of habeas corpus, it does not follow that it should do so in all instances.’ Challenges to conditions of an inmate’s confinement should be entertained by the superior court of county wherein the inmate is confined. (*Griggs v. Superior Court* (1976) 16 Cal. 3d 341, 347.)

“The petition for writ of habeas corpus is DENIED.” *Id.*, at 44a–45a.¹

Rather than file a new petition in the correct venue (Kings County Superior Court), Hinojosa turned to the appellate court, which summarily denied his petition. Instead of appealing that denial, see Cal. Penal Code Ann. §1506 (West Supp. 2016), Hinojosa sought an original writ of habeas corpus in the Supreme Court of California, see Cal. Const., Art. 6, §10, which summarily denied relief

¹In *Griggs v. Superior Ct. of San Bernardino Cty.*, 16 Cal. 3d 341, 347, 546 P. 2d 727, 731 (1976), the Supreme Court of California stated that “[a]s a general rule,” if a prisoner files a habeas petition challenging the conditions of his confinement in a county other than the one in which he is confined, the court should not deny the petition unless it fails to state a prima facie case. In this case, however, there is no hint in the opinion of the Superior Court that it followed this approach, and petitioner does not claim that it did.

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without explanation.

A petition for federal habeas relief followed. Adopting the Magistrate Judge’s findings and recommendation, the District Court denied Hinojosa’s *ex post facto* claim under AEDPA’s deferential review. A Ninth Circuit panel reversed. *Hinojosa v. Davey*, 803 F. 3d 412 (2015). Citing our decision in *Ylst v. Nunnemaker*, 501 U. S. 797 (1991), the panel “looked through” the Supreme Court of California’s summary denial to the last reasoned decision adjudicating Hinojosa’s claim: the Superior Court’s dismissal for improper venue. The panel reasoned that the Superior Court’s decision “is not a determination ‘on the merits’” and that as a result it was “not bound by AEDPA.” 803 F. 3d, at 419. Having thus freed itself from AEDPA’s strictures, the court granted Hinojosa’s petition for habeas relief.

We reverse. In *Ylst*, we said that where “the last reasoned opinion on the claim explicitly imposes a procedural default, we will presume that a later decision rejecting the claim did not silently disregard that bar and consider the merits.” 501 U. S., at 803. We adopted this presumption because “silence implies consent, not the opposite—and courts generally behave accordingly, affirming without further discussion when they agree, not when they disagree, with the reasons given below.” *Id.*, at 804. But we pointedly refused to make the presumption irrebuttable; “strong evidence can refute it.” *Ibid.*

It is amply refuted here. Improper venue could not possibly have been a ground for the high court’s summary denial of Hinojosa’s claim. There is only one Supreme Court of California—and thus only one venue in which Hinojosa could have sought an original writ of habeas corpus in that court. Under these circumstances, it cannot be that the State Supreme Court’s denial “rest[ed] upon the same ground” as the Superior Court’s. *Id.*, at 803. It quite obviously rested upon some different ground. *Ylst*’s

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“look-through” approach is therefore inapplicable.²

Hinojosa resists this conclusion, remarking that “a reviewing court has discretion to deny *without prejudice* a habeas corpus petition that was not filed first in a proper lower court.” *In re Steele*, 32 Cal. 4th 682, 692, 85 P. 3d 444, 449 (2004) (emphasis added). But there is no indication that the summary denial here was without prejudice, thus refuting Hinojosa’s speculation.

Containing no statement to the contrary, the Supreme Court of California’s summary denial of Hinojosa’s petition was therefore on the merits. *Harrington v. Richter*, 562 U. S. 86, 99 (2011). Accordingly, the Ninth Circuit should have reviewed Hinojosa’s *ex post facto* claim through AEDPA’s deferential lens. And although we express no view on the merits of that claim, we note that the Ninth Circuit has already held that state-court denials of claims identical to Hinojosa’s are not contrary to clearly established federal law. See *Nevarez v. Barnes*, 749 F. 3d 1124 (CA9 2014); see also *In re Efstathiou*, 200 Cal. App. 4th 725, 730–732, 133 Cal. Rptr. 3d 34, 37–40 (2011); *In re Sampson*, 197 Cal. App. 4th 1234, 1240–1244, 130 Cal. Rptr. 3d 39, 43–46 (2011). The panel below recognized as much: “If AEDPA applies here, we are bound by our decision in *Nevarez* and must affirm the district court’s denial of Hinojosa’s petition.” 803 F. 3d, at 418. AEDPA applies here.

The petition for a writ of certiorari and Hinojosa’s motion for leave to proceed *in forma pauperis* are granted, and the judgment of the Court of Appeals for the Ninth Circuit is reversed.

It is so ordered.

²Alternatively, if the Superior Court in fact followed *Griggs*’ instructions and silently concluded that the claim did not state a prima facie case for relief, see n. 1, *supra*, the decision of the Supreme Court of California would still be a decision on the merits, and the AEDPA standard of review would still apply.

SOTOMAYOR, J., dissenting

SUPREME COURT OF THE UNITED STATES

SCOTT KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION *v.* ANTONIO A. HINOJOSA

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

No. 15–833 Decided May 16, 2016

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

When faced with a state-court order that denies a habeas petition without explanation, this Court has long presumed that the order agrees with the “last reasoned state-court opinion” in the case unless there is “*strong* evidence” to the contrary. *Ylst v. Nunnemaker*, 501 U. S. 797, 804–805 (1991). In this case, the parties agree that a California Superior Court denied a petition for improper venue because it was filed in the wrong county. The California Supreme Court later denied the same petition for no explained reason. Applying *Ylst*’s commonsense presumption, it is “most improbable” that the California Supreme Court’s unexplained order disagreed with the Superior Court’s reasoned order. *Id.*, at 804. We should therefore presume that the California Supreme Court denied Antonio Hinojosa’s habeas petition because he filed the first one in the wrong county.

The Court, however, believes there is *strong* evidence to the contrary—for two inexplicable reasons. The first reason—the California Supreme Court could not have denied the petition for “improper venue” because there is only one California Supreme Court, *ante*, at 3—is a straw man, and a poorly constructed one at that. Obviously the California Supreme Court did not deny Hinojosa’s petition because he filed it in the wrong State Supreme Court. But it easily could have denied his petition because it agreed

SOTOMAYOR, J., dissenting

with the Superior Court’s conclusion that he filed the first petition in the wrong county. See *In re Steele*, 32 Cal. 4th 682, 692, 85 P. 3d 444, 449 (2004). That possibility becomes even more likely in light of California’s atypical habeas rules, which treat an original habeas petition to the California Supreme Court as the commonplace method for seeking review of a lower court’s order. See *Carey v. Saffold*, 536 U. S. 214, 221–222 (2002).^{*} By issuing a silent order after reviewing the lower court’s reasoned decision, the California Supreme Court presumably denied Hinojosa’s petition on the same ground. Cf. *Ylst*, 501 U. S., at 800 (applying its presumption on an identical posture out of California).

The majority’s second reason is even flimsier. The majority suggests that the California Supreme Court’s order did not include the words “without prejudice” and therefore could not have agreed with the Superior Court’s denial—which the majority assumes was without prejudice. *Ante*, at 4. But as the majority quotes, the Superior Court simply “DENIED” the petition; neither it nor the California Supreme Court “DENIED” it “without prejudice.” *Ante*, at 2, 4. It is mindboggling how one opinion necessarily disagrees with another opinion merely because it omits language that the other opinion also lacks.

I would hold, as the Ninth Circuit did, that the California Supreme Court presumably agreed with the reasoning of the Superior Court. See *Ylst*, 501 U. S., at 804. At the very least, I would not hold that there is such “strong evidence” to the contrary that we should summarily reverse the Ninth Circuit’s interpretation of the California

^{*} Contrary to the majority’s characterization, Hinojosa did not file his petition “[i]nstead of appealing” the lower court’s denial, *ante*, at 2—his petition was itself his appeal. See *Carey*, 536 U. S., at 225 (calling an original habeas petition and the alternative “petition for hearing” “interchangeable” methods of appeal, “with neither option bringing adverse consequences to the petitioner”).

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Supreme Court's order—and, in the process, reverse the Ninth Circuit's separate conclusion that Hinojosa's incarceration had been unconstitutionally extended.

THOMAS, J., dissenting

SUPREME COURT OF THE UNITED STATES

UNITED STUDENT AID FUNDS, INC. *v.*
BRYANA BIBLE

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

No. 15–861. Decided May 16, 2016

The petition for a writ of certiorari is denied.

JUSTICE THOMAS, dissenting from the denial of certiorari.

This petition asks the Court to overrule *Auer v. Robbins*, 519 U. S. 452 (1997), and *Bowles v. Seminole Rock & Sand Co.*, 325 U. S. 410 (1945). For the reasons set forth in my opinion concurring in the judgment in *Perez v. Mortgage Bankers Assn.*, 575 U. S. ____, ____ (2015), that question is worthy of review.

The doctrine of *Seminole Rock* deference (or, as it is sometimes called, *Auer* deference) permits courts to defer to an agency’s interpretation of its own regulation “unless that interpretation is plainly erroneous or inconsistent with the regulation.” *Decker v. Northwest Environmental Defense Center*, 568 U. S. ____, ____ (2013) (slip op., at 14) (internal quotation marks omitted). Courts will defer even when the agency’s interpretation is not “the only possible reading of a regulation—or even the best one.” *Ibid.*

Any reader of this Court’s opinions should think that the doctrine is on its last gasp. Members of this Court have repeatedly called for its reconsideration in an appropriate case. See *Mortgage Bankers*, 575 U. S., at ____–____ (ALITO, J., concurring) (slip op., at 1–2); *id.*, at ____ (Scalia, J., concurring in judgment) (slip op., at 5); *id.*, at ____ (THOMAS, J., concurring in judgment) (slip op., at 1–2); *Decker*, 568 U. S., at ____–____ (ROBERTS, C. J., concurring) (slip op., at 1–2); *id.*, at ____–____ (Scalia, J., concurring in part and dissenting in part) (slip op., at 2–7); *Talk Amer-*

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ica, Inc. v. Michigan Bell Telephone Co., 564 U. S. 50, 68–69 (2011) (Scalia, J., concurring); see also *Christopher v. SmithKline Beecham Corp.*, 567 U. S. ___, ___–___ (2012) (slip op., at 10–14) (refusing to defer under *Auer*). And rightly so. The doctrine has metastasized, see Knudsen & Wildermuth, *Unearthing the Lost History of Seminole Rock*, 65 *Emory L. J.* 47, 54–68 (2015) (discussing *Seminole Rock*’s humble origins), and today “amounts to a transfer of the judge’s exercise of interpretive judgment to the agency,” *Mortgage Bankers, supra*, at ___ (slip op., at 13) (opinion of THOMAS, J.). “Enough is enough.” *Decker, supra*, at ___ (opinion of Scalia, J.) (slip op., at 1).

This case is emblematic of the failings of *Seminole Rock* deference. Here, the Court of Appeals for the Seventh Circuit deferred to the Department of Education’s interpretation of the regulatory scheme it enforces—an interpretation set forth in an *amicus* brief that the Department filed at the invitation of the Seventh Circuit. For the reasons stated in Judge Manion’s partial dissent, 799 F. 3d 633, 663–676 (2015), the Department’s interpretation is not only at odds with the regulatory scheme but also defies ordinary English. More broadly, by deferring to an agency’s litigating position under the guise of *Seminole Rock*, courts force regulated entities like petitioner here to “divine the agency’s interpretations in advance,” lest they “be held liable when the agency announces its interpretations for the first time” in litigation. *Christopher, supra*, at ___ (slip op., at 14). By enabling an agency to enact “vague rules” and then to invoke *Seminole Rock* to “do what it pleases” in later litigation, the agency (with the judicial branch as its co-conspirator) “frustrates the notice and predictability purposes of rulemaking, and promotes arbitrary government.” *Talk America, Inc., supra*, at 69 (Scalia, J., concurring).

This is the appropriate case in which to reevaluate *Seminole Rock* and *Auer*. But the Court chooses to sit idly

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by, content to let “[h]e who writes a law” also “adjudge its violation.” *Decker, supra*, at ____ (opinion of Scalia, J.) (slip op., at 7). I respectfully dissent from the denial of certiorari.