

(ORDER LIST: 577 U.S.)

MONDAY, NOVEMBER 30, 2015

**CERTIORARI -- SUMMARY DISPOSITIONS**

15-454 SMITH, KENNETH L. V. SCALIA, JUSTICE, USSC, ET AL.

Because the Court lacks a quorum, 28 U. S. C. §1, and since the only qualified Justices are of the opinion that the case cannot be heard and determined at the next Term of the Court, the judgment is affirmed under 28 U. S. C. §2109, which provides that under these circumstances “the court shall enter its order affirming the judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court.” The Chief Justice, Justice Scalia, Justice Thomas, and Justice Kagan took no part in the consideration or decision of this petition.

15-6219 BAEZ-MARTINEZ, JORGE 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 First Circuit for further consideration in light of *Johnson v. United States*, 576 U. S. \_\_\_\_ (2015).

**ORDERS IN PENDING CASES**

15M53 WOOD, WALTER R. V. UNITED STATES

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

15M54 McWANE, INC. V. FTC

15M55 NORTON, CHRISTOPHER V. ME DEPT. OF HEALTH, ET AL.

The motions of petitioners for leave to file petitions for writs of certiorari with the supplemental appendices under seal are granted.

15M56 WHITE, EQUARN V. RACETTE, SUPT., GREAT MEADOW

15M57 LIN, CHAO HO, ET UX. V. WU, CHI CHU

15M58 COHANE, TIMOTHY M. V. NCAA, ET AL.

15M59 ESPOSITO, JOHN M. V. ESPOSITO, LUCY A.

15M60 ROWE, GREGORY D. V. GONZALEZ, RUBEN, ET AL.

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

14-770 BANK MARKAZI V. PETERSON, DEBORAH, ET AL.

The motion of petitioner to dispense with printing the joint appendix is granted.

14-915 FRIEDRICHS, REBECCA, ET AL. V. CA TEACHERS ASSOC., ET AL.

The motion of respondent, Attorney General of California, for divided argument is granted. The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae*, for enlargement of time for oral argument, and for divided argument is granted, and the time is divided as follows: 40 minutes for petitioners, 15 minutes for the Union Respondents, 15 minutes for respondent Attorney General of California, and 10 minutes for the Solicitor General.

14-9753 LAVERGNE, BRANDON S. V. SHERIFF'S OFFICE OF LAFAYETTE

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

14-9816 McINERNEY, JOSEPH P. V. RENSSELAER POLYTECHNIC, ET AL.

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

14-10084 ASBURY, WILLIE V. SOUTH CAROLINA, ET AL.

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

15-118 HERNANDEZ, JESUS C., ET AL. V. MESA, JESUS

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

15-138 RJR NABISCO, INC., ET AL. V. EUROPEAN COMMUNITY, ET AL.

The motion of petitioner to dispense with printing the joint appendix is granted. Justice Sotomayor took no part in the consideration or decision of this motion.

15-5009 TWEED, REXFORD V. SCOTT, GOV. OF FL, ET AL.

15-5226 WILLIAMS, DAVID V. CORIZON, LLC, ET AL.

15-5670 ASLANYAN, EDO V. OBENLAND, SUPT., MONROE

15-5826 IN RE SAKIMA I. BEY

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

15-6244 MOORE, DARRELL J. V. MONTIEL, RUDOLF, ET AL.

15-6335 VAN HOUTEN, DAVID A. V. STEPHENS, DIR., TX DCJ

15-6341 RANDOLPH-KENNEDY, LAURA V. VERIZON SERVICES CORP.

15-6384 HARRISON, WILLIAM H. V. COLVIN, ACTING COMM'R, SOCIAL

15-6492 ZAMMIT, PIO P. V. NEW BALTIMORE, MI

15-6493 LAN, TOM V. COMCAST CORPORATION, LLC

The motions of petitioners for leave to proceed *in forma*

*pauperis* are denied. Petitioners are allowed until December 21, 2015, 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**

- 14-1388 McDONOUGH, PETER, ET AL. V. DUPONT, GREGORY
- 14-1543 HINES, RONALD S. V. ALLDREDGE, BUD E., ET AL.
- 14-9708 BEGOLLI, BAHRI V. HOME DEPOT U.S.A., INC.
- 14-10355 MARTINEZ-LUGO, JUAN F. V. UNITED STATES
- 14-10377 ) WILSON, DESMOND V. UNITED STATES
- ) )
- 14-10407 ) PERSAUD, YUGOOL V. UNITED STATES
- 15-9 CINTRON, JOSHUA V. MASSACHUSETTS
- 15-45 BIRHANZL, WILLIAM J. V. OREGON
- 15-46 DAVIS, WENDY, ET AL. V. ABBOTT, GOV. OF TX, ET AL.
- 15-69 BIOLITEC AG, ET AL. V. ANGIODYNAMICS, INC.
- 15-101 HARDIN, WALTER E. V. UNITED STATES
- 15-132 UVEGES, SAMUEL L. V. UVEGES, BETTY
- 15-155 VERACRUZ, MEXICO, ET AL. V. BP, P.L.C., ET AL.
- 15-162 PASKE, PETER J. V. FITZGERALD, JOEL, ET AL.
- 15-215 YAMADA, JIMMY, ET AL. V. SHODA, GREGORY, ET AL.
- 15-241 ) FULGHUM, WILLIAM D., ET AL. V. EMBARQ CORP., ET AL.
- ) )
- 15-244 ) EMBARQ CORP., ET AL. V. FULGHUM, WILLIAM D., ET AL.
- 15-329 GROVE, A. M. V. SC DEPT. OF ENVTL., ET AL.
- 15-335 ADAMS, ROBERT B. V. STEPHENS, DIR., TX DCJ
- 15-352 FUENTES, MIGUEL Z. V. DISTRICT COURT OF TX, ET AL.
- 15-354 CARMICHAEL, KIRK V. JPMORGAN CHASE BANK, N.A.
- 15-356 CLARK, ERIC S. V. OLATHE, KS
- 15-357 TENNANT, JAMES M. V. GEORGETOWN, SC, ET AL.

15-358 WESTLAKE LEGAL GROUP, ET AL. V. YELP, INC.  
15-369 PAMPATTIWAR, VIVEK V. CHITRE, RUPALI  
15-395 CALHOUN, JASON A. V. JONES, SEC., FL DOC  
15-400 DAUKSH, DZMITRY S. V. LYNCH, ATT'Y GEN.  
15-444 ENDENCIA, FRANCES V. RUSH BEHAVIORAL HEALTH, ET AL.  
15-452 LEONARD, GARY L., ET UX. V. OCWEN LOAN SERVICING, ET AL.  
15-459 NAGEL, JED L. V. ALABAMA  
15-476 JOHNSON, HARVEY R. V. CRUZ, WARDEN  
15-477 BECKMAN, JAMES A. V. UNITED STATES  
15-482 PARR, JOSEPH, ET UX. V. FORD MOTOR CO., ET AL.  
15-487 RAYSOR, UMEME V. UNITED STATES  
15-496 ROSARIO, RICHARD H. V. SAYLOR, CHIEF JUSTICE, ET AL.  
15-503 CHABOT, ELI, ET UX. V. UNITED STATES  
15-523 SOLOMON, RONALD D. V. UNITED STATES  
15-540 BALA, SUNDERSINGH V. VA DEPT. OF CONSERVATION  
15-561 NAUTILUS INC. V. BIOSIG INSTRUMENTS INC.  
15-568 CONCORD, NH V. NORTHERN NEW ENGLAND TELEPHONE  
15-5047 RODRIGUEZ-BERNAL, FERMIN V. UNITED STATES  
15-5172 MOBLEY, RICCI V. GEORGIA  
15-5222 NORRIS, JAMES E. V. FOXX, SEC. OF TRANSPORTATION  
15-5235 RISCAJCHE-SIQUINA, MIGUEL V. UNITED STATES  
15-5317 HOLLINGSWORTH, DAVID W. V. UNITED STATES  
15-5336 LEWIS, JAMES V. UNITED STATES  
15-5686 FRANCO-BARDALES, MARVIN A. V. LYNCH, ATT'Y GEN.  
15-5696 LAMBRIX, CARY V. JONES, SEC., FL DOC  
15-5738 HUFF, DANA J. V. UNITED STATES  
15-5756 TUOMI, DANA E. V. UNITED STATES  
15-5770 DURANTE, MICHAEL F. V. UNITED STATES

15-5804 TOMIKEL, JOHN R. V. VIRGINIA  
15-6117 FORD, JAMES D. V. FLORIDA, ET AL.  
15-6121 CARIUS, JOSUE V. FLORIDA  
15-6137 ESPARZA, JOSE L. V. STEPHENS, DIR., TX DCJ  
15-6141 DILLON, KIM W. V. DOOLEY, WARDEN, ET AL.  
15-6145 CHUOL, GATDET G. V. NEBRASKA  
15-6146 CROSKY, MICHELLE V. CRAWFORD, JAMES  
15-6147 DOTSON, KEVIN T. V. KISER, WARDEN  
15-6148 CLARK, ANGELO K. V. STEPHENS, DIR., TX DCJ  
15-6149 CASTRO-GUTIERREZ, HERIBERTO V. FRAUENHEIM, WARDEN  
15-6150 ANDY E. V. DOE, JOHN, ET AL.  
15-6151 D'AMICO, STEVEN J. V. JONES, SEC., FL DOC, ET AL.  
15-6152 DOLEMAN, MARVIN L. V. NEVEN, WARDEN, ET AL.  
15-6155 DANIELS, STANLEY V. CURTIN, WARDEN  
15-6161 BANKS, NATHANIEL D. V. BUTLER, WARDEN  
15-6166 COOKE, ROBERT J. V. NEW YORK  
15-6171 MARTIN, DONN D. V. STEPHENS, DIR., TX DCJ  
15-6173 GARIVAY, JOSEPH V. LONG, WARDEN  
15-6175 GHEE, ARTHUR L. V. AL DEPT. OF HUMAN RESOURCES  
15-6176 HOEVER, CONRAAD L. V. PORTER, WARDEN, ET AL.  
15-6178 HOWARD, VICKI C. V. STRANGE, GOV. OF AL, ET AL.  
15-6180 HARRELL, JIMMIE V. UNITED STATES  
15-6182 GAMBLE, RICKY L. V. KENWORTHY, GEORGE, ET AL.  
15-6184 GREEN, RANDALL T. V. ADDISON, WARDEN  
15-6186 HOLGUIN, ALFREDO V. TEXAS  
15-6190 RAMSEY, RAVON V. MUNIZ, ACTING WARDEN  
15-6194 SEIBERT, STEVEN J. V. GEORGIA  
15-6196 HART, WILLIAM M. V. SALOIS, SHERRY A., ET AL.

15-6200 TALLEY, DURWYN V. BAKER, THOMAS, ET AL.

15-6204 SIVAK, LACEY M. V. IDAHO

15-6207 THURMAN, TRACY L. V. STEPHENS, DIR., TX DCJ

15-6208 TERRY, MILTON L. V. VIRGINIA

15-6212 THOMAS, LARRY V. GOODWIN, WARDEN

15-6215 BRYANT, STEPHEN C. V. SOUTH CAROLINA

15-6216 BOONE, REBECCA R. V. HOWERTON, WARDEN

15-6218 BARKSDALE, CHRISTOPHER V. USDC ND OH

15-6226 VERLEE, ALBERT V. TEXAS

15-6231 VALENCIA, JOSE F. V. SANTA FE, NM, ET AL.

15-6232 VALENCIA, JOSE V. DE LUCA, HEINZ, ET AL.

15-6234 LEE, STEVEN V. HYMOWITZ, PAUL, ET AL.

15-6237 JOHNSON, CORIELLE V. DAUPHANUS, JEFFREY, ET AL.

15-6239 JACK, TOD V. VIRGINIA BUREAU OF INSURANCE

15-6242 MITCHELL, ANNE E. V. NAVARRO, MONICA P., ET AL.

15-6245 SALAS, FRED B. V. INDEPENDENT ELECTRICAL, ET AL.

15-6248 BARSTAD, JAMES B. V. WA DOC, ET AL.

15-6250 REID, JIMMY V. WASHINGTON, OLIVER

15-6253 WHEATLEY, PRENTICE V. SMITH, MICHELLE, ET AL.

15-6262 PEREZ, JUAN C. V. PERRY, SEC., NC DPS

15-6263 NURSE, RONALD A. V. SHERATON ATLANTA HOTEL, ET AL.

15-6264 NEYLAND, CALVIN V. OHIO

15-6266 LUNDAHL, MARTI V. AMERICAN BANKERS INS. CO.

15-6267 PEYRONEL, BOBBY J. V. TEXAS

15-6268 PAGAN, JUAN V. MASSACHUSETTS

15-6270 GARRETT, JEREMY V. TENNESSEE

15-6277 WILSON, JOHN D. V. FLORIDA

15-6279 YI, CHONG SU V. CAPITAL ONE, N.A.

15-6281 REEVES, DAVID V. CHATMAN, WARDEN  
15-6285 KING, MARCUS E. V. MACKIE, WARDEN  
15-6293 BROCK, DENNIS R. V. COOK, WARDEN  
15-6294 AZANIA, ZOLO A. V. NEAL, SUPT., IN  
15-6313 REEVES, DAVID V. HEAD, WARDEN, ET AL.  
15-6314 SCALES, JOHN V. HARRY, SUPT., CAMP HILL  
15-6315 NICHOLSON, HERBERT V. LOUISIANA  
15-6318 OLSON, STEPHANIE D. V. LITTLE, WARDEN  
15-6322 BOOKER, ANDRE L. V. CALIFORNIA  
15-6323 BOYER, SCOTT V. MASSACHUSETTS  
15-6324 AIKINS, FRANKLIN D. V. FLORIDA  
15-6329 WASHINGTON, MARCUS I. V. WILLIAM MORRIS ENDEAVOR, ET AL.  
15-6333 VARGAS, MARCUS V. JOHNSON, ADM'R, NJ  
15-6339 RUGGLES, MICHAEL D. V. YAGONG, DOMINIC, ET AL.  
15-6345 ROGERS, REGINALD L. V. PERRY, SEC., NC DPS  
15-6347 POWERS, SCOTT V. TIBBALS, WARDEN  
15-6349 ESQUIVEL, CARLOS V. RAMIREZ, AL  
15-6351 WOLFE, JARVIS V. BANKS, SUPT., SOUTH MS  
15-6381 BOSWELL, JAMES V. BOSCHINI, VICTOR J., ET AL.  
15-6383 HADDOW, DAVID J. V. UNITED STATES  
15-6385 GUADALUPE GARCIA, CESAR V. BEARD, SEC., CA DOC  
15-6388 HOLMES, JOEL C. V. WASHINGTON  
15-6393 PRIDGEN, JAMES M. V. KERESTES, SUPT., MAHANAY, ET AL.  
15-6397 CLARK, DEIDRE H. V. ALLEN & OVERY  
15-6399 JACKSON, CLARENCE B. V. WAL-MART STORES, INC.  
15-6419 WALKER, DENNIS R. V. BEARD, SEC., CA DOC, ET AL.  
15-6424 SCHEFFLER, TROY K. V. MESSERLI & KRAMER, P.A.  
15-6440 LUNA, JOHNNY R. V. CAIN, WARDEN



15-6441 THOMAS, KENNETH D. V. TENNESSEE  
15-6447 HARVEY, GARY R. V. UNITED STATES  
15-6457 YOAK, JAMIE D. V. SPRINT NEXTEL CORP., ET AL.  
15-6466 MORENO, DAVID L. V. CALIFORNIA  
15-6467 PAULSON, EUGENE H. V. SOUTH DAKOTA  
15-6470 BLAND, JOSEPH V. FRENCH, DANIEL T., ET AL.  
15-6483 HARDING, LINDSAY V. COLORADO  
15-6505 BROOKS, ROBERT W. V. JONES, SEC., FL DOC, ET AL.  
15-6509 BELL, JOSEPH L. V. UNITED STATES  
15-6511 CLUM, DAVID V. UNITED STATES  
15-6515 STROUSE, JAMES V. WILSON, WARDEN, ET AL.  
15-6532 RICHARDSON, ANTOINE V. UNITED STATES  
15-6556 LOBAITO, JOSEPH V. FINRA  
15-6572 McCANN, DAVID V. FDIC  
15-6590 TIBURCIO, SEIDY M. V. U.S. CAPITOL  
15-6595 WOODLEY, JAMES A. V. TATUM, WARDEN  
15-6596 THOMAS, KEON, ET AL. V. UNITED STATES  
15-6600 FIGUEROA-LUGO, ALEJANDRO V. UNITED STATES  
15-6606 MONTANEZ, CARLOS A. V. JONES, SEC., FL DOC, ET AL.  
15-6613 YATES, PIERRE V. OHIO  
15-6617 LOVIN, CHRISTOPHER V. OSBORNE, WARDEN  
15-6621 BEVILL, JOSHUA W. V. UNITED STATES  
15-6622 TAYLOR, ISIAH V. UNITED STATES  
15-6623 SMITH, JAMES E. V. KELLEY, DIR., AR DOC  
15-6624 SMITH, PATRICK D. V. UNITED STATES  
15-6625 MOSS, DWIGHT V. UNITED STATES  
15-6631 BECKFORD, MARK A. V. UNITED STATES  
15-6634 ALSTON, TIMOTHY E. V. UNITED STATES

15-6635 BELL, WILLIAM V. PERSSON, SUPT., OR  
15-6636 JONES, FRED L. V. CLEMENTS, WARDEN  
15-6637 KIEFFER, HOWARD O. V. SAUERS, WARDEN  
15-6644 RAMEY, AVA V. UNITED STATES  
15-6647 HARVEY, ALLAN M. V. UNITED STATES  
15-6649 GONZALEZ, ISABEL V. UNITED STATES  
15-6650 ZAR, DEREK, ET AL. V. UNITED STATES  
15-6651 DAVIS, KAREN V. MD DEPT. OF EDUCATION  
15-6655 WHISNANT, DOUGLAS V. UNITED STATES  
15-6656 VENTURA, DOMINGO V. UNITED STATES  
15-6658 KIRKLAND, DAVID V. UNITED STATES  
15-6671 SHORT, MICHAEL V. UNITED STATES  
15-6678 MEDRANO-HERNANDEZ, JUAN M. V. UNITED STATES  
15-6680 PEREZ-SANCHEZ, MARIO O. V. UNITED STATES  
15-6690 FAY, LEIGHTON V. MAYE, WARDEN  
15-6702 LaPOINTE, PHILLIP E. V. ILLINOIS  
15-6705 McCLURKIN, DIJON V. MARYLAND

The petitions for writs of certiorari are denied.

15-115 TYCO HEALTHCARE GROUP, ET AL. V. ETHICON ENDO-SURGERY, INC.

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

15-5628 HOLLAND, ALBERT V. FLORIDA

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

15-6142 CLAY, THOMAS H. V. STEPHENS, DIR., TX DCJ

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*).

15-6168 LeBLANC, JEFFREY R. V. KALAMAZOO, MI

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.

15-6228 YOUNGBLOOD, JESSE L. V. SUPERIOR COURT OF CA, 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. 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*).

15-6296 MIZNER, ANTHONY R. V. GROUNDS, WARDEN

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

15-6321 MOSLEY, TOMMY R. V. HARMON, MICHAEL, ET AL.

15-6538 CHAFE, RENE A. V. FL DEPT. OF CHILDREN & FAMILIES

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.

15-6612 MARTINEZ, STEVEN V. JARVIS, WARDEN

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

#### HABEAS CORPUS DENIED

15-6163 IN RE CARY M. LAMBRIX

15-6167 IN RE MICHAEL A. RUFUS

15-6738 IN RE ANDREW COX

15-6759 IN RE ROBERT RAMSEY

15-6870 IN RE LEVON MINTZ

The petitions for writs of habeas corpus are denied.

#### MANDAMUS DENIED

15-6223 IN RE SHAWN P. SHELTON

The petition for a writ of mandamus is denied.

15-6698 IN RE ARTURO SOLIS

15-6704 IN RE ARTURO SOLIS

The motions of petitioner for leave to proceed *in forma pauperis* are denied, and the petitions for writs of mandamus and/or prohibition are 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 fees required by Rule 38(a) are paid and the petitions are 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**

14-1312 JONES, BRANDON A. V. CHATMAN, WARDEN  
14-1316 COULTER, JEAN V. ALLEGHENY CTY. BAR ASSN., ET AL.  
14-1318 DIX, GERALD V. CLANCY, DIR., U.S. SECRET SVC.  
14-1353 NETAIRUS TECHNOLOGIES V. APPLE INC.  
14-1414 LOPEZ, ARTHUR V. NEWPORT ELEMENTARY SCH., ET AL.  
14-1427 IN RE MODESTA SABENIANO  
14-1479 HOLLANDER, ROBERT H. V. PEMBROKE, CHRISTINE R.  
14-1498 LUCAS, DANIEL A. V. HUMPHREY, WARDEN  
14-1509 LaCERTOSA, JOHN V. BLACKMAN PLUMBING SUPPLY, ET AL.  
14-1518 ABRAM, GLORIA V. FULTON COUNTY, GA  
14-1521 TORRES, VINCENT V. SANTA YNEZ BAND OF CHUMASH  
14-1537 HOUSTON, MICHAEL, ET AL. V. DISTRICT COURT OF LA  
14-7776 DEAN, CAROLE M. V. PORSCHE AUTO. HOLDINGS, ET AL.  
14-8856 BISTRIKA, ALEXANDER A., ET AL., V. OREGON  
14-9078 BARRY, MAMADOU V. DIALLO, AISSATO  
14-9175 GUTIERREZ, RUBEN V. STEPHENS, DIR., TX DCJ  
14-9239 COLES, ANTHONY V. NLRB, ET AL.  
14-9369 GARCIA, CECIL R. V. TEXAS  
14-9397 HUTCHINSON, ANDREW V. RAZDAN, SANJAY  
14-9489 CHALMERS, TYRONE V. TENNESSEE  
14-9676 IN RE OTIS ERVIN  
14-9685 STAMOS, JAMES G. V. DAVEY, WARDEN  
14-9719 BOGANY, ROBERT A. V. STEPHENS, DIR., TX DCJ  
14-9819 PAULK, GEORGE V. ORLANDO, FL, ET AL.  
14-9997 GONZALEZ, MIGUEL V. CONNECTICUT  
14-10009 THOMPSON, ASHFORD L. V. OHIO

14-10025 MELOT, BILLY R., ET UX. V. UNITED STATES  
14-10038 AMRHEIN, DARLENE C. V. LA MADELEINE, INC., ET AL.  
14-10088 JEEP, DAVID G. V. UNITED STATES  
14-10101 CLADEK, LYDIA V. UNITED STATES  
14-10144 RAJKOVIC, LJUBICA V. FBI, ET AL.  
14-10195 BLICK, HAROLD V. DEUTSCHE BANK NAT'L TRUST CO.  
14-10218 SEAMAN, NANCY A. V. MICHIGAN  
14-10224 VIEIRA, RICHARD J. V. VAN WINKLE, WESLEY A.  
14-10259 CURRY, CARLINE M. V. MANSFIELD, OH, ET AL.  
14-10285 SPEED, ANTONIO N. V. UNITED STATES  
14-10289 MADURA, ANDRZEJ, ET UX. V. BANK OF AMERICA  
14-10357 REID, KEVIN J. V. FLINT, MI  
14-10366 FODOR, FERENC V. EASTERN SHIPBUILDING  
14-10367 GIBSON, SHANNON M. V. VALLEY AVENUE DRIVE-IN  
14-10370 LAVENANT, MIGUEL V. UNITED STATES  
14-10412 JORDAN, CONSUELO V. SATTERFIELD, LEE, ET AL.  
14-10440 ROWLAND, THOMAS L. V. JONES, SEC., FL DOC  
14-10462 CAMERON, GILBERT O. V. DOLCE, SUPT., ORLEANS  
15-21 CHERKOVSKY, IURY V. DELGADO, MARIO  
15-33 DEERE, LLOYD R. V. LAXALT, ATT'Y GEN. OF NV, ET AL.  
15-43 McBROOM, GRACIE E. V. HR DIR., FRANKLIN CTY.  
15-47 BAGDIS, BERNARD J. V. UNITED STATES  
15-61 LANGER, HENRY V. NILLES, ILVEDSON, PLAMBECK  
15-89 BAMDAD, MASOUD V. UNITED STATES  
15-99 SHAIKH, MOHAMMED V. FLORIDA  
15-5014 AUGUSTUS, SUSAN V. AHRC NASSAU  
15-5025 VILLALTA, SELOMI M. V. LYNCH, ATT'Y GEN., ET AL.  
15-5031 BRANNON, RICKY V. STEVENSON, WARDEN

15-5051 IN RE BENJARDI B. VIRAY  
15-5056 SMITH, TRENT A. V. WOOD CTY. DIST. ATT'Y, ET AL.  
15-5078 KELLEY, WILLIAM V. LAZAROFF, WARDEN  
15-5116 BRUNSON, ALBERT V. PRICE, WARDEN, ET AL.  
15-5124 VOGT, SHELBY A. V. IOWA, ET AL.  
15-5191 MATTHEWS, MADGE V. STEWART, WARDEN  
15-5215 BASEY, JOHN L. V. STEPHENS, DIR., TX DCJ  
15-5249 BOONE, WILLIE J. V. JONES, SEC., FL DOC  
15-5250 THOMPSON, ANTWION E. V. USDC ND CA  
15-5256 DIEHL, DAVID A. V. UNITED STATES  
15-5261 ROGERS, RAYMOND L. V. UNITED STATES  
15-5293 LADEAIROUS, JOSEPH V. SCHNEIDERMAN, ATT'Y GEN. OF NY  
15-5318 DOUGLAS, HOUSTON V. BUGHRARA, ET AL.  
15-5359 HOOD, CHARLES A. V. UNITED STATES  
15-5360 FARMER, JOSEPH W. V. POTTEIGER, MICHAEL, ET AL.  
15-5410 NORMAN, JAMES V. FLORIDA  
15-5416 WRIGHT, DOUGLAS P. V. WINGARD, SUPT., SOMERSET, ET AL.  
15-5422 BAKER, BEVERLY A. V. UNITED STATES  
15-5426 SCOTTON, ROGERIO C. V. UNITED STATES  
15-5429 MEJIA, LUIS D. V. WAL-MART  
15-5485 WILLIAMS, ROBERT V. CITY UNIVERSITY OF NY  
15-5568 WRIGHT, FRANKLIN H. V. U.S. INTERAGENCY COUNCIL, ET AL.  
15-5659 KERR, NORMAN V. UNITED STATES  
15-5732 FULLMAN, ISAAC K. V. KISTLER, THOMAS K., ET AL.  
15-5733 FULLMAN, ISAAC K. V. KISTLER, THOMAS K., ET AL.  
15-5868 IN RE CONSUELO JORDAN  
15-5890 IN RE ARETHA D. BROWN

The petitions for rehearing are denied.

SCALIA, J., dissenting

**SUPREME COURT OF THE UNITED STATES**

LLOYD RAPELJE, WARDEN *v.* JUNIOR FRED  
BLACKSTON

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

No. 15–161. Decided November 30, 2015

The petition for a writ of certiorari is denied.

JUSTICE SCALIA, with whom JUSTICE THOMAS and JUSTICE ALITO join, dissenting from denial of certiorari.

A criminal defendant “shall enjoy the right . . . to be confronted with the witnesses against him.” U. S. Const., Amdt. 6. We have held that this right entitles the accused to cross-examine witnesses who testify at trial, and to exclude certain out-of-court statements that the defendant did not have a prior opportunity to cross-examine. *Crawford v. Washington*, 541 U. S. 36, 50–51 (2004); *Davis v. Alaska*, 415 U. S. 308, 315–317 (1974). We have never held—nor would the verb “to confront” support the holding—that confrontation includes the right to *admit* out-of-court statements into evidence. Nevertheless, the Sixth Circuit held not only that the Confrontation Clause guarantees the right to admit such evidence but that our cases have “clearly established” as much. We should grant certiorari and summarily reverse.

Respondent Junior Fred Blackston was convicted in Michigan state court of first-degree murder on the strength of the testimony of five people, some of whom participated in the crime. For reasons not relevant here, the court ordered a new trial. Before Blackston’s retrial, however, two of the five witnesses signed written statements recanting their trial testimony. The prosecution called them at the second trial, but they refused to answer any questions. The trial court therefore pronounced them



SCALIA, J., dissenting

“unavailable” and, pursuant to a venerable hearsay exception, see Mich. Rule Evid. 804(b)(1) (2012); cf. 5 J. Wigmore, *Evidence* §1370, p. 55 (J. Chadbourn rev. 1974), allowed their earlier testimony to be read to the jury. But the court refused to admit into evidence their written recantations.

Blackston was once again convicted of first-degree murder and sentenced to life imprisonment. Affirming the conviction, the Supreme Court of Michigan held that the trial court’s exclusion of the recantations was not error and, even if it was, was harmless beyond a reasonable doubt. 481 Mich. 451, 751 N. W. 2d 408 (2008).

This petition for federal habeas relief followed. The District Court conditionally granted the writ, finding that the exclusion of the recantations violated Blackston’s Sixth and Fourteenth Amendment rights. 907 F. Supp. 2d 878 (ED Mich. 2012). A divided Sixth Circuit panel affirmed. 780 F. 3d 340 (2015). In the Court of Appeals’ view, “[t]here is a clearly established right to impeach the credibility of an adverse witness using the witness’s own inconsistent statements.” *Id.*, at 348. The recantations, reasoned the court, were inconsistent statements that had obvious impeachment value.

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) prohibits federal courts from granting habeas relief unless the state court’s decision “involved an unreasonable application of . . . *clearly established* Federal law, as determined by the Supreme Court of the United States.” 28 U. S. C. § 2254(d)(1) (emphasis added). As the dissenting judge below pointed out, no case of ours establishes, clearly or otherwise, that the Confrontation Clause bestows a right to *admit* this kind of evidence. 780 F. 3d, at 363–364 (opinion of Kethledge, J.). In fact we long ago suggested just the opposite. *Mattox v. United States*, 156 U. S. 237, 245–250 (1895). Each of the cases the Sixth Circuit relied on involved the defendant’s attempting

SCALIA, J., dissenting

during cross-examination to impeach *testifying witnesses*, not unavailable declarants. See *Olden v. Kentucky*, 488 U. S. 227, 230 (1988) (*per curiam*); *Delaware v. Van Arsdall*, 475 U. S. 673, 676 (1986); *Alford v. United States*, 282 U. S. 687, 693 (1931). And just recently we said in *Nevada v. Jackson*, 569 U. S. \_\_\_\_, \_\_\_\_ (2013) (*per curiam*) (slip op., at 7), that “this Court has never held that the Confrontation Clause entitles a criminal defendant to introduce *extrinsic evidence* for impeachment purposes.” The Sixth Circuit thought the recantations here intrinsic, not extrinsic, and so beyond *Jackson*’s ambit. That is quite irrelevant. The pertinent question under AEDPA is whether our cases have clearly established a right, not whether they have failed to clearly foreclose it.

There may well be a plausible argument why the recantations ought to have been admitted under state law. See Mich. Rule Evid. 806. But nothing in our precedents clearly establishes their admissibility as a matter of federal constitutional law. AEDPA “provides a remedy for instances in which a state court unreasonably *applies* this Court’s precedent; it does not require state courts to *extend* that precedent or license federal courts to treat the failure to do so as error.” *White v. Woodall*, 572 U. S. \_\_\_\_, \_\_\_\_ (2014) (slip op., at 11). By framing the confrontation right at a high level of generality (making it the right “to impeach the credibility of an adverse witness”), the Sixth Circuit in effect “transform[ed] . . . [an] imaginative extension of existing case law into ‘clearly established’” law. *Jackson*, *supra*, at \_\_\_\_ (slip op., at 7). That will not do.

The Sixth Circuit seems to have acquired a taste for disregarding AEDPA. *E.g.*, *Woods v. Donald*, 575 U. S. \_\_\_\_ (2015) (*per curiam*); *White v. Woodall*, *supra*; *Burt v. Titlow*, 571 U. S. \_\_\_\_ (2013); *Metrish v. Lancaster*, 569 U. S. \_\_\_\_ (2013); *Howes v. Fields*, 565 U. S. \_\_\_\_ (2012). We should grant certiorari to discourage this appetite.