

(ORDER LIST: 576 U. S.)

MONDAY, JUNE 15, 2015

CERTIORARI -- SUMMARY DISPOSITIONS

14-851 BANK OF AMERICA, N.A. V. PEELE, PAMELA F.
14-852 BANK OF AMERICA, N.A. V. JOHNSON, BEVERLY
14-853 BANK OF AMERICA, N.A. V. BOYKINS, BETTY J.
14-854 BANK OF AMERICA, N.A. V. HAMILTON-PRESHA, TONI R.
14-855 BANK OF AMERICA, N.A. V. GARRO, ROSA L.
14-856 BANK OF AMERICA, N.A. V. BELOTSEKOVSKY, ILYA
14-979 BANK OF AMERICA, N.A. V. LAKHANI, NASRUDDIN
14-980 BANK OF AMERICA, N.A. V. CORRAD, CELIA E.

The petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *Bank of America, N. A. v. Caulkett*, 575 U. S. ____ (2015).

ORDERS IN PENDING CASES

14M126 RUCKER, SIDNEY V. MOORE, WARDEN

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

14M127 WHITEHEAD, DAVID L. V. WHITE & CASE, ET AL.

The motion for leave to proceed as a veteran is denied.

14M128 HOPKINS, CARL E. V. UNITED STATES

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

14-8499 MANKO, NELLA V. LENOX HILL HOSPITAL

14-8617 HORSLEY, TARRIA M. V. UNIVERSITY OF ALABAMA, ET AL.

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

14-8931 SHELTON, MONTY M. V. UNITED STATES

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

14-9320 MISSUD, PATRICK A. V. CALIFORNIA, ET AL.

14-9799 HARDRICK, LAWSON V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until July 6, 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 GRANTED

13-1496 DOLLAR GENERAL CORP., ET AL. V. MS BAND OF CHOCTAW, ET AL.

14-844 BRUCE, ANTOINE V. SAMUELS, CHARLES E., ET AL.

The petitions for writs of certiorari are granted.

CERTIORARI DENIED

14-748 VOLVO POWERTRAIN CORPORATION V. UNITED STATES, ET AL.

14-807 DUNN, COMM'R, AL DOC V. DeBRUCE, DERRICK A.

14-1077 LEAKS, GARY A. V. UNITED STATES

14-1111 ASSOC. BUILDERS AND CONTRACTORS V. SHIU, PATRICIA A., ET AL.

14-1121 HSIUNG, HUI, ET AL. V. UNITED STATES

14-1122 MOTOROLA MOBILITY V. AU OPTRONICS, ET AL.

14-1212 RAMSAY, KHARYN V. TAPPER, JEFFREY

14-1218 JOHNSON, EDWARD A. V. CHICAGO TRIBUNE COMPANY
14-1220 SAFARI, HAMID, ET AL. V. KAISER FOUND. HEALTH, ET AL.
14-1227 KUGLER, WALTER J. V. WISCONSIN
14-1229 MOTOYAMA, ELIZABETH-ANN K. V. HI DEPT. OF TRANSP., ET AL.
14-1250 WIEDER, HOWARD L. V. NEW YORK, NY, ET AL.
14-1264 RICKARD, DONALD V. SWEDISH MATCH NA, INC.
14-1279 WASHINGTON V. WALKER, ODIES D.
14-1296 OHNEMUS, JOHN V. THOMPSON, TRAVIS
14-1330 DORN, DORENE K. V. ANNUCCI, ACTING COMM'R
14-1338 CHANG, KUNG D. V. SHANGHAI COMMERCIAL BANK LTD.
14-1357 TAMEZ, CARLOS R. V. UNITED STATES
14-8115 CORROTHERS, CALEB V. MISSISSIPPI
14-8449 SPENCER, KEVIN V. UNITED STATES
14-8491 WHITE, BRENDA V. SOUTHEAST MI SURGICAL, ET AL.
14-8780 COHEN, SHANE T. V. UNITED STATES
14-8793 ALLEBBAN, ZAYD V. UNITED STATES
14-8943 HAUGABOOK, JOHNNY V. UNITED STATES
14-9220 ROBINSON, BRANDON R. V. TEXAS
14-9240 HACKNEY, ROBERT E. V. WOODS, WARDEN
14-9247 SOLORIO, RAFAEL V. MONTGOMERY, WARREN
14-9254 SANCHEZ, JOHN R. V. LIZARRAGA, WARDEN
14-9264 CHANCE, BILLY R. V. FLORIDA
14-9269 SAENZ, JOHN A. V. STEPHENS, DIR. TX DCJ
14-9270 CHANCE, BILLY R. V. FLORIDA
14-9283 BURDA, STEVEN V. KORENMAN, ALLA
14-9286 ROBITSCHKE, LAURA V. ESCOVEDO, CODY
14-9298 MASTERSON, RICHARD V. STEPHENS, DIR., TX DCJ
14-9300 AGUIRRE, GERARDO V. MONTGOMERY, WARDEN

14-9304 MENDEZ, JOHN A. V. STEPHENS, DIR., TX DCJ
14-9309 YATES, DUANE V. IOWA
14-9311 TURNER, DAVID L. V. COLEMAN, WARDEN
14-9313 THOMAS, CHAUNCEY V. FLORIDA
14-9325 WATSON, ERNEST V. McCLAIN, MS., ET AL.
14-9327 WEBB, JAMES V. MARYLAND
14-9328 MARION, CARL B. V. SOTO, WARDEN
14-9342 PETERKA, DANIEL J. V. FLORIDA
14-9343 CRUZ, RICARDO V. PERRY, SEC., NC DPS, ET AL.
14-9344 FORT, RICHARD V. OHIO
14-9397 HUTCHINSON, ANDREW V. SANJAY, RAZDAN
14-9433 BLACKSHEAR, JEROME V. FLORIDA
14-9501 YOUNG, MATTHEW R. V. PREMO, SUPT., OR
14-9513 BLAINE, DENORVEL M. V. NORMAN, WARDEN, ET AL.
14-9516 PEEPLES, JOE W. V. DEPT. OF JUSTICE, ET AL.
14-9517 PHILLIPS, HAROLD V. BARNES, WARDEN
14-9518 FONG SOTO, MARTIN R. V. RYAN, DIR., AZ DOC, ET AL.
14-9519 HENDERSON, TILLMAN T. V. NEBRASKA
14-9545 POWELL, WILLIAM V. COOPER, WARDEN
14-9556 BRIDGES, OMAR V. NEW JERSEY
14-9576 GRICE, JERRY W. V. NORTH CAROLINA
14-9580 HAWES, GREGORY M. V. WYOMING
14-9616 M. G. V. CALIFORNIA
14-9619 CLARK, FRED C. V. TENNESSEE
14-9630 FLOWERS, NATHANIEL V. McEWEN, WARDEN
14-9678 JEFFERSON, STEVE V. BURGER KING CORPORATION, ET AL.
14-9694 DEMOUCHETTE, PRESTON G. V. USDC MD LA
14-9711 TUCKER, DETREK M. V. UNITED STATES

14-9725 DIAZ, OSCAR R. V. UNITED STATES
14-9728 GIDDENS, STORMY V. UNITED STATES
14-9729 HARRIS, RAPHAEL V. UNITED STATES
14-9734 HODGE, EMANUEL V. UNITED STATES
14-9737 BURGOS-ORTEGA, ALEJANDRO V. UNITED STATES
14-9738 BEALL, JAMES M. V. UNITED STATES
14-9739 GATSON, CHARLES V. UNITED STATES
14-9745 DIEHL, BRUCE L. V. UNITED STATES
14-9761 WASHINGTON, THOMAS M. V. UNITED STATES
14-9763 GIBSON, BERNARD V. WILSON, WARDEN
14-9769 HENRY, LEONARD V. UNITED STATES
14-9771 ISRAEL, RAUL E. V. UNITED STATES
14-9772 GOINS, ROBERT E. V. UNITED STATES
14-9774 BRITTON, JEROME M. V. UNITED STATES
14-9777 GABE, ERIC R. V. UNITED STATES
14-9785 CRENSHAW, BRYAN V. UNITED STATES
14-9792 FOOTE, WESLEY D. V. UNITED STATES
14-9795 HERNANDEZ-MUNOZ, HILARIO V. UNITED STATES
14-9796 HARRIS, ANTWAN V. UNITED STATES
14-9803 RIVERA, JESUS V. UNITED STATES
14-9805 DUNN, RONNIE L. V. UNITED STATES
14-9809 GARCIA-MORALES, PEDRO V. UNITED STATES
14-9812 ELIZALDE-ORTIZ, NORMA V. UNITED STATES
14-9813 DIAZ-BERMUDEZ, JOSUE V. UNITED STATES
14-9815 CARABALLO, GILBERTO V. UNITED STATES
14-9846 GIL, LAZARO R. V. UNITED STATES
14-9849 TORRES-DIAZ, JOSE F. V. UNITED STATES
14-9851 AYALA-MEDINA, JOSE R. V. UNITED STATES

14-9852 McDANIELS, DARIOUS V. UNITED STATES

The petitions for writs of certiorari are denied.

14-910 ALLSTATE INSURANCE COMPANY V. JIMENEZ, JACK

The motion of Retail Litigation Center, Inc. for leave to file a brief as *amicus curiae* is granted. The motion of The Chamber of Commerce of the United States of America, et al. for leave to file a brief as *amici curiae* is granted. The motion of Equal Employment Advisory Council for leave to file a brief as *amicus curiae* is granted. The motion of The Product Liability Advisory Council, Inc. for leave to file a brief as *amicus curiae* is granted. The motion of DRI - The Voice of the Defense Bar for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

14-1074 IRAQ V. ABB AG, ET AL.

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

14-1172 WALKER-McGILL, CHERYL, ET AL. V. STUART, GRETCHEN S., ET AL.

The petition for a writ of certiorari is denied. Justice Scalia dissents.

14-9253 ARIEGWE, KINGSLEY V. KIRKEGARD, WARDEN, ET AL.

14-9267 EVANS, WILLIAM H. V. OHIO

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. As the petitioners have repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioners 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*).

14-9284 SOLOMON, CARGYLE B. V. KESS-LEWIS, SHAREESE, ET AL.

14-9291 MANLEY, JAMES E. V. MONROE COUNTY PROSECUTOR

14-9443 KOON, ROBERT H. V. CARTLEDGE, WARDEN, ET AL.

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.

14-9539 VIEIRA, RICHARD J. V. CALIFORNIA

The petition for a writ of certiorari before judgment is denied.

14-9755 WILKERSON, LINWOOD V. UNITED STATES

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

14-9801 GARCON, JULIEN V. CRUZ, WARDEN

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

HABEAS CORPUS DENIED

14-9891 IN RE NATHAN R. JOHNSON

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

14-1238 IN RE RONALD D. JOLING, ET AL.

The petition for a writ of mandamus is denied.

REHEARINGS DENIED

14-326 YACUBIAN, LAWRENCE M. V. UNITED STATES

14-922 GOMEZ, YAKELIN V. CHASE HOME FINANCE, LLC
14-1012 ESCAMILLA, DAVID, ET AL. V. M2 TECHNOLOGY, INC.
14-7553 COOPER, KAREN V. COOPER, GEORGE R.
14-7641 GARZA, RAMON V. UNITED STATES
14-7795 FREY, WILLIAM W. V. FOSTER, DONNIE, ET AL.
14-8189 SCOTT, CHRISTIE M. V. ALABAMA
14-8194 LOCKHART, COURTNEY L. V. ALABAMA
14-8382 MOSES, ELNORA V. TX WORKFORCE COMMISSION, ET AL.
14-8448 WALTERS, ROBERT K. V. CALIFORNIA
14-8543 HUANG, DONGSHENG V. ULTIMO SOFTWARE SOLUTIONS, INC.
14-8553 WALTON, GEARY W. V. RYAN, DIR., AZ DOC, ET AL.
14-8598 DAVIS, ADAM V. KELLEY, DIR., AR DOC

The petitions for rehearing are denied.

14-7861 TWEED, REXFORD V. COBURN, LINDA T., ET AL.

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

GINSBURG, J., concurring

SUPREME COURT OF THE UNITED STATES

TRAVIS CLINTON HITTSON *v.* BRUCE
CHATMAN, WARDEN

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

No. 14–8589. Decided June 15, 2015

The petition for a writ of certiorari is denied.

JUSTICE GINSBURG, with whom JUSTICE KAGAN joins,
concurring in the denial of certiorari.

The Antiterrorism and Effective Death Penalty Act of 1996 directs a federal habeas court to train its attention on the particular reasons—both legal and factual—why state courts rejected a state prisoner’s federal claims. Only if the state court’s decision “was contrary to, or involved an unreasonable application of, clearly established Federal law” or “was based on an unreasonable determination of the facts in light of the evidence presented,” may a federal court grant habeas relief premised on a federal claim previously adjudicated on the merits in state court. 28 U. S. C. §2254(d).

This task is straightforward when the last state court to decide a claim has issued an opinion explaining its decision. In that situation, a federal habeas court simply evaluates deferentially the specific reasons set out by the state court. *E.g.*, *Porter v. McCollum*, 558 U. S. 30, 39–44 (2009) (*per curiam*); *Rompilla v. Beard*, 545 U. S. 374, 388–392 (2005); *Wiggins v. Smith*, 539 U. S. 510, 523–538 (2003).

In *Ylst v. Nunnemaker*, 501 U. S. 797 (1991), this Court stated how federal courts should handle a more challenging circumstance: when the last state court to reject a prisoner’s claim issues only an unexplained order. “Where there has been one reasoned state judgment rejecting a

GINSBURG, J., concurring

federal claim,” the Court held, federal habeas courts should presume that “later unexplained orders upholding that judgment or rejecting the same claim rest upon the same ground.” *Id.*, at 803. “[U]nexplained orders,” the Court recognized, typically reflect “agree[ment] . . . with the reasons given below.” *Id.*, at 804. Accordingly, “a presumption . . . which simply ‘looks through’ [unexplained orders] to the last reasoned decision . . . most nearly reflects the role [such orders] are ordinarily intended to play.” *Ibid.*

In this case, the Eleventh Circuit decided that it would no longer apply the *Ylst* “look through” presumption—at least when assessing the Georgia Supreme Court’s unexplained denial of a certificate of probable cause to appeal. Although it had long “look[ed] through’ summary decisions by state appellate courts,” the Eleventh Circuit believed that a recent decision of this Court—*Harrington v. Richter*, 562 U. S. 86 (2011)—had superseded *Ylst*. *Hittson v. GDCP Warden*, 759 F. 3d 1210, 1232, n. 25 (2014). Accordingly, instead of “review[ing] the reasoning given in the [last reasoned state court] decision,” the Eleventh Circuit held it would consider hypothetical theories that could have supported the Georgia Supreme Court’s unexplained order. *Ibid.*

The Eleventh Circuit plainly erred in discarding *Ylst*. In *Richter*, the only state court to reject the prisoner’s federal claim had done so in an unexplained order. See 562 U. S., at 96–97. With no reasoned opinion to look through to, the Court had no occasion to cast doubt on *Ylst*. To the contrary, the Court cited *Ylst* approvingly in *Richter*, *id.*, at 99–100, and did so again two years later in *Johnson v. Williams*, 568 U. S. ___, ___, n. 1 (2013) (slip op., at 6, n. 1).

The Eleventh Circuit believed that the following language from *Richter* superseded *Ylst* and required the appeals court to hypothesize reasons that might have

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supported the state court's unexplained order: "Under §2254(d), a habeas court must determine what arguments or theories supported, or, as here, *could have supported*, the state court's decision." 562 U. S., at 102 (emphasis added). See 759 F. 3d, at 1232. *Richter's* hypothetical inquiry was necessary, however, because *no* state court "opinion explain[ed] the reasons relief ha[d] been denied." 562 U. S., at 98. In that circumstance, a federal habeas court can assess whether the state court's decision "*involved* an unreasonable application of . . . clearly established Federal law," §2254(d)(1) (emphasis added), only by hypothesizing reasons that might have supported it. But *Richter* makes clear that where the state court's real reasons can be ascertained, the §2254(d) analysis can and should be based on the actual "arguments or theories [that] supported . . . the state court's decision." *Id.*, at 102.

The Eleventh Circuit also appears to have thought it relevant that the Georgia Supreme Court exercises mandatory, not discretionary, review when deciding whether to grant or deny a certificate of probable cause to appeal. See 759 F. 3d, at 1231–1232. *Ylst* itself, however, looked through a nondiscretionary adjudication. See 501 U. S., at 800–801. And *Richter* confirms that it matters not whether the state court exercised mandatory or discretionary review. Although *Richter* required a federal habeas court to presume that an unexplained summary affirmance adjudicated the merits of any federal claim presented to the state court, *Richter* cited *Ylst* as an example of how this "presumption may be overcome." 562 U. S., at 99. If looking through the summary affirmance reveals that the last reasoned state court decision found a claim procedurally defaulted, then it is "more likely," *id.*, at 100, that the summary affirmance of that claim "rest[ed] upon the same ground," *Ylst*, 501 U. S., at 803. In short, *Richter* instructs that federal habeas courts should continue to "look through" even nondiscretionary adjudications to deter-

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mine whether a claim was procedurally defaulted. There is no reason not to “look through” such adjudications, as well, to determine the particular reasons why the state court rejected the claim on the merits.

Although the Eleventh Circuit clearly erred in declining to apply *Ylst*, I concur in the denial of certiorari. The District Court did “look through” to the last reasoned state-court opinion, and for the reasons given by that court, I am convinced that the Eleventh Circuit would have reached the same conclusion had it properly applied *Ylst*. See *Hittson v. Humphrey*, 2012 WL 5497808, *17–*25 (MD Ga., Nov. 13, 2012). Moreover, an en banc rehearing petition raising the *Ylst* issue is currently pending before the Eleventh Circuit. See *Wilson v. Warden*, No. 14–10681. That petition affords the Eleventh Circuit an opportunity to correct its error without the need for this Court to intervene.