

(ORDER LIST: 604 U.S.)

MONDAY, NOVEMBER 4, 2024

CERTIORARI -- SUMMARY DISPOSITIONS

24-92 WONG, KWOK S. V. GARLAND, ATT'Y GEN.

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 Second Circuit for further consideration in light of *Loper Bright Enterprises v. Raimondo*, 603 U. S. \_\_\_\_ (2024).

24-5258 TALBOT, LANCE 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. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Tenth Circuit for further consideration in light of *United States v. Rahimi*, 602 U. S. \_\_\_\_ (2024).

24-5315 JONES, KEVIN D. 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 Eleventh Circuit for further consideration in light of *United States v. Rahimi*, 602 U. S. \_\_\_\_ (2024).

24-5328 LINDSEY, AARON C. 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 Eighth Circuit for further consideration in light of *United States v. Rahimi*, 602 U. S. \_\_\_\_ (2024).

24-5391 CANADA, ZAVIEN L. 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 *United States v. Rahimi*, 602 U. S. \_\_\_\_ (2024).

24-5406 HOEFT, MICHAEL 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 Eighth Circuit for further consideration in light of *United States v. Rahimi*, 602 U. S. \_\_\_\_ (2024).

24-5453 KIRBY, THELONIOUS W. 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 Eleventh Circuit for further consideration in light of *United States v. Rahimi*, 602 U. S. \_\_\_\_ (2024).

24-5488 MAYFIELD, BRANDON L. 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 Tenth Circuit for further consideration in light of *United States v. Rahimi*, 602 U. S. \_\_\_\_ (2024).

#### ORDERS IN PENDING CASES

24A244 RYNN, RICHARD V. FIRST TRANSIT INC., ET AL.

The application to vacate injunction addressed to Justice Alito and referred to the Court is denied.

24A273 AKERMAN, MARTIN V. NORTHWESTERN MUTUAL LIFE INS.

The application for writ of injunction addressed to The Chief Justice and referred to the Court is denied.

24M31 BLAKE, ROBERT T. V. UNITED STATES

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

24M32 DOE, JOHN V. UNITED STATES

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

24M33 MONTEMAYOR, ISRAEL V. ILLINOIS DEP'T OF HFS, ET AL.

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is denied.

23-867 HUNGARY, ET AL. V. SIMON, ROSALIE, ET AL.

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

23-900 DEWBERRY GROUP, INC. V. DEWBERRY ENGINEERS INC.

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

23-971 WAETZIG, GARY V. HALLIBURTON ENERGY SERVICES

23-1141 SMITH & WESSON BRANDS, ET AL. V. ESTADOS UNIDOS MEXICANOS

The motions of petitioners to dispense with printing the joint appendices are granted.

**APPEALS -- JURISDICTION NOTED**

24-109 ) LOUISIANA V. CALLAIS, PHILLIP, ET AL.

24-110 ) ROBINSON, PRESS, ET AL. V. CALLAIS, PHILLIP, ET AL.

Probable jurisdiction is noted in these cases. The cases are consolidated, and a total of one hour is allotted for oral argument.

**CERTIORARI GRANTED**

23-1270 RILEY, PIERRE Y. N. V. GARLAND, ATT'Y GEN.

The petition for a writ of certiorari is granted limited to the questions presented by the respondent's brief.

**CERTIORARI DENIED**

23-1030 MISSISSIPPI DISTRICT COUNCIL V. BEACHY, KEVIN, ET AL.

23-1257 ARGUETA, SANTOS, ET AL. V. JARADI, DERRICK S.

24-16 MONROE, ANTHONY V. CONNER, TERRY, ET AL.

24-108 SALVADOR, JOHN P. V. UNITED STATES

24-188 MENORAH MIVTACHIM INS., ET AL. V. SHEEHAN, JOHN D., ET AL.

24-192 SHEFER, IZHAR V. MORGAN STANLEY, ET AL.

24-199 ORTEGA, ALDO V. FORD, TANYA, ET AL.

24-200 DIAZ, HAMETT V. PENNSYLVANIA, ET AL.

24-205 WEISS, MICHAEL A. V. LIN, PEGGY P., ET AL.

24-207 CANO, CARLOS A. A., ET AL. V. 245 C & C, LLC, ET AL.

24-218 COOK, DAMON B. V. COVELLO, WARDEN

24-221 DYSON, DOUGLAS A. V. WHITLEY CTY. RSD, ET AL.

24-222 PAPP, KATHRYN D. V. PENNSYLVANIA

24-225 B. S. V. D. S.

24-228 UNDERWOOD, ERIK M., ET AL. V. BANK OF AMERICA CORP.

24-231 DHINGRA, RAKESH V. ESPOSITO, CHARLES, ET AL.

24-230 WRIGHT-GOTTSHALL, ET AL. V. NEW JERSEY, ET AL.

24-233 COHEN, JOHNMACK V. DEREK SMITH LAW GROUP, ET AL.

24-236 CAMPBELL, STEVE V. TUBE-MAC INDUS., INC., ET AL.

24-237 SCHWARTZ, GABRIEL N. V. BEAUVALLON CONDOMINIUM ASSN.

24-239 CHLOE, KENNETH V. GEORGE WASHINGTON UNIV.

24-240 W. J. V. BECERRA, SEC. OF H&HS

24-245 BUCKOVETZ, DENNIS M. V. DEPT. OF NAVY

24-248 THISTLE, DAVID J. V. BIDEN, PRESIDENT OF U.S., ET AL.

24-250 PECH, SAMUEL B. V. CIA

24-257 HARLEY MARINE SERVICES, INC. V. CONRAD SHIPYARD, L.L.C., ET AL.

24-258 GREMONT, LINDSEY, ET AL. V. NELSON, TX SEC. OF STATE, ET AL.

24-265 STIRRUP, HEIDI, ET AL. V. DEPT. OF DEFENSE, ET AL.

24-288 ZUHOVITZKY, JONATHAN, ET UX. V. UBS AG CHE 101.329.562, ET AL.

24-295 HERRINGTON, DONALD V. DOTSON, DIR., VA DOC

24-296 RAVI BHATTACHARYA, KIERAN V. MURRAY, JAMES B., ET AL.

24-301 ANDERSON, WILLIAM F., ET UX. V. CIR

24-303 PIMIENTA DOMINGUEZ, JULIAN J. V. RENDON QUIJADA, MARIA

24-310 McGUIRE, SEAN M. V. TEXAS

24-317 BENTON, TOMMY L. V. SOUTH CAROLINA

24-323 CALHOUN, THANQUARIOUS R. V. WARDEN, BALDWIN STATE PRISON

24-325 GIBSON, MARK B. V. SCHROEDER, MARK, ET AL.

24-328 RYWELSKI, JOSEPH M. V. BIDEN, PRESIDENT OF U.S., ET AL.

24-331 CBS MN PROP., LLC V. HENNEPIN COUNTY, MN

24-338 MINTER, TROY A. V. FALCONI, ALEXANDER, ET AL.

24-341 EMDEN, JUAN C., ET AL. V. MUSEUM OF FINE ARTS

24-344 FOSTER, JAMES T. V. UNITED STATES  
24-349 SAN CARLOS APACHE TRIBE V. ARIZONA, ET AL.  
24-366 LEE, AUSTIN K. V. UNITED STATES  
24-371 YORK, TROY T. V. ARIZONA  
24-372 TAFT, WILLIAM R. V. COLORADO  
24-379 SAPP, LARRY D. V. FOXX, KIMBERLY  
24-383 FOR OUR RIGHTS, INC., ET AL. V. IGE, DAVID Y.  
24-388 KARIANN V. V. ME DEPT. OF HEALTH  
24-392 ARGENT TRUST CO. V. CEDENO, RAMON D., ET AL.  
24-407 BURKHARDT, BONNIE V. AZCARATE, CHIEF JUDGE  
24-5018 McDERMOTT, MAUREEN V. DE LA CRUZ, WARDEN  
24-5163 SPRINGS, THOMAS L. V. PAYNE, DIR., AR DOC  
24-5166 JOSEPH, NICHOLAS V. UNITED STATES  
24-5192 NICHOLSON, MATTHEW V. OHIO  
24-5207 E. C. V. Q. T.  
24-5308 BRANT, CHARLES G. V. DIXON, SEC., FL DOC, ET AL.  
24-5390 BUHAGIAR, PAULINA V. WELLS FARGO BANK, N.A.  
24-5398 TALLEY, WILLIAM M. V. TEXAS  
24-5399 FLORENCE, BRUCE K. V. FLOWERS, SHERIFF  
24-5407 ANDERSON, DARNELL V. FUSON, AARON, ET AL.  
24-5412 HILLS, DERRICK V. ROBLE, RICHARD A., ET AL.  
24-5415 CLAIBORNE, GLEN E. V. JPMORGAN CHASE BANK  
24-5417 DAVIS, JOSHUAL L. V. MAXFIELD, IAN, ET AL.  
24-5422 JOHNSON, MALCOLM V. WISE STAFFING GROUP  
24-5423 HUTCHINSON, CESSALY D. V. STATE BAR OF CA  
24-5424 O'ROURKE, BRYAN C. V. BRIDGES, CARRIE  
24-5426 STEVENSON, CARL D. V. CA DOC  
24-5435 SANCHEZ, ORLANDO V. GUZMAN, WARDEN

24-5436 FINK, DAVID V. CALIFORNIA  
24-5439 BEASLEY, RICHARD V. OHIO  
24-5440 MOSES, EDWARD V. LA OFFICE DISCIPLINARY COUNSEL  
24-5441 PRICE, JAMES A. V. DIXON, SEC., FL DOC  
24-5443 CRAIG, ANTOINE D. V. ILLINOIS  
24-5445 OLSEN, SOREN R. V. WASHINGTON  
24-5447 NUBINE, WILBERT L. V. OKLAHOMA  
24-5450 WARNICK, ANTHONY H. V. OKLAHOMA  
24-5458 COURCHINE, DERRICK V. CALIFORNIA  
24-5461 RAGAN, RONALD V. BERKSHIRE HATHAWAY AUTOMOTIVE  
24-5465 DAWES, WILLIAM O. V. CALIFORNIA  
24-5466 TERRY, JARELL D. V. STRAUGHN, WILLIAM, ET AL.  
24-5467 MILLER, JOSEPH V. REDINGTON, DAN  
24-5468 FLINT, DENNIS L. V. FLORIDA  
24-5469 MOTT, CARL V. SCHREIBER, PAUL  
24-5477 VELEZ-HERNANDEZ, GUSTAVO D. V. DIST. ATT'Y, LEHIGH CTY., ET AL.  
24-5478 SHAFIQUE, RIFAT V. EQUITY RESIDENTIAL MANAGEMENT  
24-5485 SERRANO, ONOFRE V. CALIFORNIA  
24-5508 DOMINICK, JASON J. V. WALKER, SUPT., FAYETTE  
24-5527 AKRAM, ADRIAN M. V. CORRIGAN, WARDEN  
24-5528 PERKINS, TERRACE T. V. LAMB, WARDEN  
24-5531 FOSTER, FREDERICK V. SLOMSKY, JOEL H., ET AL.  
24-5534 HAWKINS, ANTHONY W. V. UNITED STATES  
24-5592 BOYLAN, DESHAWN A. V. BURGESS, WARDEN  
24-5597 LAMOUREUX, JUSTIN A. V. FLORIDA  
24-5602 CHRISTIAN, RAYMOND V. UNITED STATES  
24-5610 MCGHEE, HAROLD U. V. UNITED STATES  
24-5616 KERRY, CRAIG B. V. DIXON, SEC., FL DOC, ET AL.

24-5620 SALAS, SALVADOR V. UNITED STATES  
24-5621 NELSON, CHRISTOPHER D. V. UNITED STATES  
24-5623 DORSEY, TAHJAIR V. UNITED STATES  
24-5624 VALLE ESTRADA, OMAR J. V. UNITED STATES  
24-5625 CHENG, SHENG-WEN V. KALLIS, WARDEN  
24-5626 REYNALDO RIVERA, JULIO V. UNITED STATES  
24-5628 LANDA-AREVALO, ANGEL V. UNITED STATES  
24-5638 SWINTON, KAREEM V. UNITED STATES  
24-5639 CHAVEZ, ISAAC J. V. UNITED STATES  
24-5640 WATKINS, MARK V. NEW YORK  
24-5644 MORENO, JOSE V. ROBINSON, JIM  
24-5647 HAMIL, DAVID RASHAUN V. FLORIDA  
24-5650 YEPEZ, ROBERTO V. UNITED STATES  
24-5664 PABON, CHRISTIAN V. UNITED STATES  
24-5672 ANDREWS, MARK L. V. UNITED STATES  
24-5674 CARRASCO, GILBERT V. UNITED STATES  
24-5677 BASS, KELLY D. V. DOTSON, DIR., VA DOC  
24-5683 CHAMPNEY, RONALD V. UNITED STATES  
24-5684 GARCIA-SUAREZ, RAUNEL V. UNITED STATES  
24-5695 JOHNSON, DEANDRE V. DOTSON, DIR., VA DOC  
24-5699 LLOYD, SUSAN V. FACEBOOK, INC., ET AL.  
24-5712 DOE, JOHN V. SEC  
24-5721 ANTHONY, RYAN L. V. HIGHBERGER, SUPT., OR

The petitions for writs of certiorari are denied.

24-5396 FUENTES, PEDRO P. V. HARPE, STEVEN

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

24-5432 COLLIER, IRINA V. TRUMP, DONALD J.



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*).

24-5444 MEDINA, DELANO V. MURPHY, JENNIFER, 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.

#### **HABEAS CORPUS DENIED**

24-5730 IN RE CARLOS MARTINEZ

24-5746 IN RE TREY T. BRADLEY

The petitions for writs of habeas corpus are denied.

#### **MANDAMUS DENIED**

24-219 IN RE WAKREN PETERSEN, ET AL.

24-5476 IN RE WILLIAM H. WRIGHT

24-5541 IN RE JOE N. PYATT

24-5688 IN RE ERIC SUTHERLAND

The petitions for writs of mandamus are denied.

24-210 IN RE PALANI KARUPAIYAN

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

Per Curiam

**SUPREME COURT OF THE UNITED STATES**

JOHN Q. HAMM, COMMISSIONER, ALABAMA  
DEPARTMENT OF CORRECTIONS *v.*  
JOSEPH CLIFTON SMITH

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

No. 23–167. Decided November 4, 2024

PER CURIAM.

Joseph Clifton Smith was sentenced to death for the murder of Durk Van Dam. The U. S. District Court for the Southern District of Alabama vacated Smith’s death sentence after concluding that he is intellectually disabled. See *Atkins v. Virginia*, 536 U. S. 304 (2002). Smith has obtained five full-scale IQ scores, ranging from 72 to 78. Smith’s claim of intellectual disability depended in part on whether his IQ is 70 or below. The District Court found that Smith’s IQ could be as low as 69 given the standard error of measurement for his lowest score of 72. The District Court then vacated the death sentence, and the U. S. Court of Appeals for the Eleventh Circuit affirmed. *Smith v. Commissioner, Ala. Dept. of Corrections*, 67 F. 4th 1335, 1354 (2023).

Analyzing Smith’s intellectual functioning requires evaluating his various IQ scores. In *Hall v. Florida*, 572 U. S. 701, 714 (2014), this Court stated that “when a person has taken multiple tests, each separate score must be assessed” considering the standard error of measurement. The Court further noted that “the analysis of multiple IQ scores jointly is a complicated endeavor.” *Ibid.* This Court has not specified how courts should evaluate multiple IQ scores. See *ibid.*; *Moore v. Texas*, 581 U. S. 1 (2017); *Brumfield v. Cain*, 576 U. S. 305 (2015).

The Eleventh Circuit’s opinion can be read in two ways. On the one hand, the Eleventh Circuit’s opinion might be

Per Curiam

read to afford conclusive weight to the fact that the lower end of the standard-error range for Smith's lowest IQ score is 69. That analysis would suggest a *per se* rule that the lower end of the standard-error range for an offender's lowest score is dispositive. On the other hand, the Eleventh Circuit also approvingly cited the District Court's determination that Smith's lowest score is not an outlier when considered together with his higher scores. That analysis would suggest a more holistic approach to multiple IQ scores that considers the relevant evidence, including as appropriate any relevant expert testimony.

The Eleventh Circuit's opinion is unclear on this point, and this Court's ultimate assessment of any petition for certiorari by the State may depend on the basis for the Eleventh Circuit's decision. Therefore, we grant the petition for certiorari and Smith's motion for leave to proceed *in forma pauperis*, vacate the judgment of the Eleventh Circuit, and remand the case for further consideration consistent with this opinion.

*It is so ordered.*

JUSTICE THOMAS and JUSTICE GORSUCH would grant the petition for a writ of certiorari and set the case for argument.