

110 S.Ct. 1717

Supreme Court of the United States

Jonas H. WHITMORE, Individually and as Next
Friend of Ronald Gene Simmons, Petitioner

v.

ARKANSAS et al.

No. 88–7146.

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Argued Jan. 10, 1990.

|

Decided April 24, 1990.

Synopsis

Defendant who was sentenced to death for murder by the Circuit Court, Polk County, *John S. Patterson, J.*, filed petition requesting expedited review of his waiver of direct appeal.

The  Arkansas Supreme Court, 298 Ark. 193, 766 S.W.2d 422, granted petition. Thereafter, the  Arkansas Supreme Court, 298 Ark. 255, 766 S.W.2d 423, denied a second death row inmate's motion to intervene and for stay of execution, and the second death row inmate petitioned for certiorari. The Supreme Court, Chief Justice *Rehnquist*, held that: (1) second death row inmate did not have individual standing to challenge validity of death sentence imposed on capital defendant who elected to forego his right of appeal to Arkansas Supreme Court, and (2) second death row inmate did not have standing as “next friend” of capital defendant in absence of evidence that capital defendant was unable to proceed on his own behalf.

Dismissed.

Justice *Marshall* filed dissenting opinion, in which Justice *Brennan* joined.

West Headnotes (14)


[1] **Federal Civil Procedure**  In general; injury or interest

Federal Courts  Case or Controversy Requirement

Person seeking to invoke jurisdiction of federal court must establish requisite standing to sue

before federal court can consider merits of legal claim; Article III gives federal courts jurisdiction only over “cases and controversies” and doctrine of standing serves to identify those disputes which are appropriately resolved through judicial process. *U.S.C.A. Const. Art. 3, § 1 et seq.*

[609 Cases that cite this headnote](#)

[2] **Federal Courts**  Nature of dispute; concreteness

Federal Courts  Injury, harm, causation, and redress

Litigant seeking to establish Article III case or controversy must clearly demonstrate that he has suffered injury in fact, that is concrete in both qualitative and temporal sense, must allege injury to himself that is distinct and palpable, as opposed to merely abstract, must allege harm that is actual or imminent, not conjectural or hypothetical, and must satisfy causation and redressability requirements by showing that injury fairly can be traced to challenged action and is likely to be redressed by favorable decision. *U.S.C.A. Const. Art. 3, § 1 et seq.*

[940 Cases that cite this headnote](#)

[3] **Federal Civil Procedure**  Pleading

Federal court is powerless to create its own jurisdiction by embellishing otherwise deficient allegations of standing. *U.S.C.A. Const. Art. 3, § 1 et seq.*

[142 Cases that cite this headnote](#)

[4] **Federal Courts**  Injury, harm, causation, and redress

Allegations of possible future injury do not satisfy case and controversy requirements of Article III; threatened injury must be “certainly impending” to constitute injury in fact. *U.S.C.A. Const. Art. 3, § 1 et seq.*

[791 Cases that cite this headnote](#)

[5] Evidence  **Material from Other Cases****Federal Courts**  **Criminal Justice**


Judicial notice could be taken of fact that writs of habeas corpus are granted in only some cases, and that guilty verdicts are returned only after some trials, so that it is not possible for litigant to prove in advance that judicial system would lead to any particular result in his case, for purpose of establishing Art. III jurisdiction in another case based on that possible result. U.S.C.A. Const. Art. 3, § 1 et seq.

[24 Cases that cite this headnote](#)

[6] Constitutional Law  **Sentencing and punishment**

State death row inmate's asserted interest in having data base against which his crime was compared, pursuant to system of comparative review established in Arkansas death penalty cases, to be complete and to not be arbitrarily skewed by omission of any other capital case was not sufficient to confer standing upon death row inmate in his individual capacity to challenge Arkansas' authority to carry out death sentence imposed on another capital defendant without first conducting mandatory appellate review of capital defendant's conviction and sentence, which review had been waived by capital defendant. U.S.C.A. Const. Art. 3, § 1 et seq.

[41 Cases that cite this headnote](#)

[7] Sentencing and Punishment  **Death penalty as cruel or unusual punishment**

State death row inmate's interest as citizen of Arkansas in protection of Eighth Amendment was only generalized interest of all citizens in constitutional governance and was inadequate basis on which to grant death row inmate standing in his individual capacity to seek to prevent Arkansas from carrying out death sentence imposed on second capital defendant without first conducting mandatory appellate review of second defendant's conviction and sentence, which review second defendant had

waived. U.S.C.A. Const. Art. 3, § 1 et seq.; Amend. 8.

[24 Cases that cite this headnote](#)

[8] Constitutional Law  **Sentencing and punishment**

Uniqueness of death penalty and society's interest in its proper imposition could not justify relaxed application of standing principles to enable third party to challenge validity of death sentence imposed on capital defendant who elected to forego his right of appeal; requirement of Article III case or controversy was not merely traditional rule of practice, but rather was imposed directly by the Constitution, and it was not for the Supreme Court to employ untethered notions of what might be good public policy to expand its jurisdiction in appealing case. U.S.C.A. Const. Art. 3, § 1 et seq.

[46 Cases that cite this headnote](#)

[9] Habeas Corpus  **Parties; Standing**

"Next friend" does not himself become party to habeas corpus action in which he participates, but simply pursues cause of action on behalf of detained person, who remains real party in interest. 28 U.S.C.A. § 2242.

[160 Cases that cite this headnote](#)

[10] Habeas Corpus  **Parties; Standing**

"Next friend" standing in habeas proceeding is by no means granted automatically to whomever seeks to pursue action on behalf of another; next friend must provide adequate explanation—such as inaccessibility, mental incompetence, or other disability—why real party in interest cannot appear on his own behalf to prosecute action and must be truly dedicated to best interest of person on whose behalf he seeks to litigate and have some significant relationship with that person. 28 U.S.C.A. § 2242.

[521 Cases that cite this headnote](#)

[11] Habeas Corpus  **Parties; Standing**

“Next friend” in habeas proceeding has burden clearly to establish propriety of his status, and thereby justify jurisdiction of court. 28 U.S.C.A. § 2242.

[152 Cases that cite this headnote](#)

[12] **Habeas Corpus** 🔑 Parties; Standing

Scope of any federal doctrine of “next friend” standing is no broader than what is permitted by habeas corpus statute, which codified historical practice; thus, one necessary condition for “next friend” standing in federal court is showing by proposed “next friend” that real party in interest is unable to litigate his own cause due to mental incapacity, lack of access to court, or other similar disability. 28 U.S.C.A. § 2242.

[436 Cases that cite this headnote](#)

[13] **Federal Civil Procedure** 🔑 Rights of third parties or public

Prerequisite for “next friend” standing that real party in interest is unable to litigate his own cause is not satisfied where evidentiary hearing shows that real party has given knowing, intelligent, and voluntary waiver of his right to proceed, and his access to court is otherwise unimpeded.

[132 Cases that cite this headnote](#)

[14] **Constitutional Law** 🔑 Sentencing and punishment

A second death row inmate did not have standing, as “next friend” of capital defendant to challenge validity of death sentence imposed on capital defendant who elected to forego his right of appeal to the Arkansas Supreme Court, given second inmate's failure to establish that capital defendant was unable to proceed on his own behalf; capital defendant's responses to inquiry by counsel and state trial court demonstrated that he appreciated the consequences of his decision to accept death sentence, capital defendant indicated that he understood several possible grounds for appeal but that he was “not seeking any technicalities,” capital defendant stated in psychiatric interview that it would be

terrible miscarriage of justice for person to kill people and not be executed, and there was no meaningful evidence that capital defendant was suffering from mental disease, disorder, or defect that substantially affected his capacity to make intelligent decision.


[101 Cases that cite this headnote](#)



****1719 *149 Syllabus***

After his trial on multiple murder charges, Ronald Simmons waived his right to direct appeal of his conviction and death sentence. The trial court conducted a hearing and determined that Simmons was competent to waive further proceedings. Pursuant to its rule that Arkansas law does not require a mandatory appeal in all death penalty cases, but that a defendant can forgo his direct appeal only if he has been judicially determined to have the capacity to understand the choice between life and death and to knowingly and intelligently waive any and all rights to appeal his sentence, the State Supreme Court reviewed the competency determination and affirmed the trial court's decision that Simmons had knowingly and intelligently waived the right to appeal. The court then denied the motion of petitioner Whitmore—a death-row inmate convicted in a robbery-murder case, who had exhausted his direct appellate review, been denied state postconviction relief, and not yet sought federal habeas corpus relief—to intervene in the proceeding both individually and as Simmons' “next friend,” concluding that Whitmore lacked standing. This Court granted ****1720** Whitmore's petition for certiorari on the questions whether a third party has standing to challenge the validity of a death sentence imposed on a capital defendant who has elected to forgo his right of appeal, and whether the Eighth and Fourteenth Amendments prohibit the State from carrying out a death sentence without first conducting a mandatory appellate review of the conviction and sentence.

Held: Whitmore lacks standing to proceed in this Court. Pp. 1722–1729.

(a) Before a federal court can consider the merits of a legal claim, the person seeking to invoke the court's jurisdiction must establish the requisite standing to sue. To do so, he must prove the existence of an [Art. III](#) case or controversy by clearly demonstrating that he has suffered an “injury in

fact,” which is concrete in both a qualitative and temporal sense. He must show that the injury “fairly can be traced to the challenged action,” and “is likely to be redressed by a favorable decision.”  *Simon v. Eastern Kentucky Welfare Rights Organization*, 426 U.S. 26, 38, 41, 96 S.Ct. 1917, 1924, 1926, 48 L.Ed.2d 450. Pp. 1722–1723.

(b) Whitmore does not have standing in his individual capacity based on a legal right to a system of mandatory appellate review assertedly granted to him personally and to Simmons by the Eighth Amendment. *150 His principal claim of injury in fact—that if he obtains federal habeas relief but is convicted and resentenced to death in a new trial, then, in light of Arkansas' comparative review in death penalty cases, he has a direct and substantial interest in having the data base against which his crime is compared to be complete and to not be arbitrarily skewed by the omission of Simmons' heinous crimes—is too speculative to invoke Art. III jurisdiction. Even assuming that Whitmore would eventually secure habeas relief and be convicted and resentenced to death, there is no factual basis on which to conclude that the sentence imposed on a mass murderer would be relevant to a future comparative review of his robbery-murder sentence. His theory is at least as speculative as other allegations of possible future injury that have been found insufficient to establish Art. III injury in fact. See, e.g.,  *O'Shea v. Littleton*, 414 U.S. 488, 94 S.Ct. 669, 38 L.Ed.2d 674.  *United States v. SCRAP*, 412 U.S. 669, 93 S.Ct. 2405, 37 L.Ed.2d 254, distinguished. Whitmore's further contention that, as an Arkansas citizen, he is entitled to the Eighth Amendment's public interest protections and has a right to invoke this Court's jurisdiction to insure that the State does not carry out an execution without mandatory appellate review raises only the generalized interest of all citizens in constitutional governance and is an inadequate basis on which to grant him standing. Nor does the uniqueness of the death penalty and society's interest in its proper imposition justify creating an exception to traditional standing doctrine, since the requirement of an Art. III case or controversy is not merely a traditional “rule of practice,” but rather is imposed directly by the Constitution. Pp. 1723–1726.

(c) Whitmore's alternative argument that he has standing as Simmons' “next friend” is also rejected. The scope of any federal “next friend” standing doctrine, assuming that one exists absent congressional authorization, is no broader than the “next friend” standing permitted under the federal habeas corpus statute. Thus, one necessary condition is a showing

by the proposed “next friend” that the real party in interest is unable to litigate his own cause due to mental incapacity, lack of access to court, or other similar disability. That prerequisite is not satisfied where, as here, an evidentiary hearing shows that the defendant has given a knowing, intelligent, and voluntary waiver of his right to proceed, and his access to court is otherwise unimpeded. Pp. 1726–1729.

 298 Ark. 193 and 255, 766 S.W.2d 422 and 423, certiorari dismissed.

REHNQUIST, C.J., delivered the opinion of the Court, in which WHITE, BLACKMUN, STEVENS, O'CONNOR, SCALIA, **1721 and KENNEDY, JJ., joined. MARSHALL, J., filed a dissenting opinion, in which BRENNAN, J., joined, *post*, p. 1729.

Attorneys and Law Firms

*151 *Arthur L. Allen*, by appointment of the Court, 493 U.S. 804, argued the cause and filed a brief for petitioner.

J. Steven Clark, Attorney General of Arkansas, argued the cause for respondents. With him on the brief for respondent State of Arkansas was *Clint Miller*, Assistant Attorney General. *John Harris* filed a brief for respondent Simmons.*

* *Gary B. Born*, *Daniel J. Popeo*, and *Paul D. Kamenar* filed a brief for the Washington Legal Foundation et al. as *amici curiae* urging affirmance.

William Webster, Attorney General of Missouri, *John M. Morris* and *Stephen D. Hawke*, Assistant Attorneys General, *Don Siegelman*, Attorney General of Alabama, *Jim Jones*, Attorney General of Idaho, *Hal Stratton*, Attorney General of New Mexico, *Anthony J. Celebrezze, Jr.*, Attorney General of Ohio, *T. Travis Medlock*, Attorney General of South Carolina, and *Mary Sue Terry*, Attorney General of Virginia, filed a brief for the State of Missouri et al. as *amici curiae*.

Opinion

Chief Justice REHNQUIST delivered the opinion of the Court.

This case presents the question whether a third party has standing to challenge the validity of a death sentence imposed on a capital defendant who has elected to forgo his right of appeal to the State Supreme Court. Petitioner Jonas Whitmore contends that the Eighth and Fourteenth Amendments prevent

the State of Arkansas from carrying out the death sentence imposed on Ronald Gene Simmons without first conducting a mandatory appellate review of Simmons' conviction and sentence. We hold that petitioner lacks standing, and therefore dismiss the writ of certiorari.

I

On December 28, 1987, Ronald Gene Simmons shot and killed two people and wounded three others in the course of a rampage through the town of Russellville, Arkansas. After police apprehended Simmons, they searched his home in nearby Dover, Arkansas, and discovered the bodies of 14 members of Simmons' family, all of whom had been murdered. The State filed two sets of criminal charges against *152 Simmons, one based on the two Russellville murders and the other covering the deaths of his family members.

Simmons was first tried for the Russellville crimes, and a jury convicted him of capital murder and sentenced him to death. After being sentenced, Simmons made this statement under oath: “ ‘I, Ronald Gene Simmons, Sr., want it to be known that it is my wish and my desire that absolutely no action by anybody be taken to appeal or in any way change this sentence. It is further respectfully requested that this sentence be carried out expeditiously.’ ” See [Franz v. State](#), 296 Ark. 181, 183, 754 S.W.2d 839, 840 (1988). The trial court conducted a hearing concerning Simmons' competence to waive further proceedings, and concluded that his decision was knowing and intelligent.

As Simmons' execution date approached Louis J. Franz, a Catholic priest who counsels inmates at the Arkansas Department of Corrections, petitioned the Supreme Court of Arkansas for permission to proceed as Simmons' “next friend” and to prosecute an appeal on his behalf. The court held that Franz did not have standing as “next friend,” because he had not alleged facts showing that he had ever met Simmons, much less that he had a close relationship with the defendant. It also rejected both his argument for standing under the Arkansas Constitution as an aggrieved taxpayer and his assertion that he should have standing as a concerned citizen to prevent an important legal issue from going unresolved at the appellate level.

In dicta, the court went on to state that Arkansas law does not require a mandatory appeal in all death penalty cases. It did note, however, that a defendant sentenced to death in

Arkansas will be able to forgo his direct appeal “only if he has been judicially determined to have the capacity to understand the choice between life and death and to knowingly and intelligently waive any and all rights to appeal his sentence.”

[Id.](#), at 189, 754 S.W.2d, at 843. After reviewing the record of the trial court's competency hearing, the Supreme Court *153 held that Simmons had made a knowing and intelligent waiver of his right to appeal. Franz and another Arkansas death row inmate, Darrel Wayne Hill, then applied in Federal District Court for a writ of habeas corpus to prevent Simmons' execution, but the petition was denied on the ground that Franz and Hill did not have standing. [Franz v. Lockhart](#), 700 F.Supp. 1005 (ED Ark.1988), appeal pending, No. 89–1485EA (CA8).

**1722 The State subsequently tried Simmons for the murder of his 14 family members, and on February 10, 1989, a jury convicted him of capital murder and imposed a sentence of death by lethal injection. Simmons again notified the trial court of his desire to waive his right to direct appeal, and after a hearing, the court found Simmons competent to do so. The Supreme Court of Arkansas, pursuant to the rule established in *Franz*, reviewed the competency determination and affirmed the trial court's decision that Simmons had knowingly and intelligently waived his right to appeal.

[Simmons v. State](#), 298 Ark. 193, 766 S.W.2d 422 (1989). The court commended the trial court and Simmons' counsel for doing “an exceptional job in examining and exploring [Simmons'] capacity to understand the choice between life and death and his ability to know and to intelligently waive any and all right he might have in an appeal of his sentence.”

[Id.](#), at 194, 766 S.W.2d, at 423. The court also noted that Simmons' counsel “thoroughly discussed seven possible points that could be argued for reversal on appeal” and that Simmons acknowledged those points but “rejected all encouragement and suggestions to appeal.” *Ibid.*

Three days later, petitioner Jonas Whitmore, another death row inmate in Arkansas, sought permission from the Supreme Court of Arkansas to intervene in Simmons' proceeding both individually and “as next friend of Ronald Gene Simmons.” The court concluded that Whitmore had failed to show he had standing to intervene, and it denied the motion. [Simmons v. State](#), 298 Ark. 255, 766 S.W.2d 423 (1989). *154 Whitmore then asked this Court to stay Simmons' execution, which was scheduled for March 16, 1989. We granted a stay pending the filing and disposition of a petition for certiorari, 489 U.S.

1073, 109 S.Ct. 1522, 103 L.Ed.2d 828 (1989), and later granted Whitmore's petition for certiorari. 492 U.S. 917, 109 S.Ct. 3240, 106 L.Ed.2d 588 (1989).

II

A

This is not the first time we have encountered a third party seeking to prevent the execution of a capital defendant who has decided to forgo further judicial proceedings. In *Gilmore v. Utah*, 429 U.S. 1012, 97 S.Ct. 436, 50 L.Ed.2d 632 (1976), we considered an application for a stay of the execution of Gary Mark Gilmore, filed by his mother Bessie Gilmore after the defendant declined to request relief. A majority of the Court concluded that Gilmore had made a knowing and intelligent waiver of any federal rights available to him and, accordingly, allowed the execution to go forward. Four Members of the Court, however, felt that the standing and other constitutional issues raised by the application were substantial and would have given the matter plenary consideration. Since *Gilmore*, we have been presented with other applications from third parties for stays of execution, see *Lenhard v. Wolff*, 443 U.S. 1306, 100 S.Ct. 3, 61 L.Ed.2d 885, stay of execution denied, 444 U.S. 807, 100 S.Ct. 29, 62 L.Ed.2d 20 (1979); *Evans v. Bennett*, 440 U.S. 1301, 99 S.Ct. 1481, 59 L.Ed.2d 756, stay of execution denied, 440 U.S., at 987, 99 S.Ct. at 1986 (1979), but until the present case, we have not requested full briefing and argument and issued an opinion of the Court on this recurring issue.

[1] Petitioner Whitmore asks this Court to hold that despite Simmons' failure to appeal, the Eighth and Fourteenth Amendments require the State of Arkansas to conduct an appellate review of his conviction and sentence before it can proceed to execute him. It is well established, however, that before a federal court can consider the merits of a legal claim, the person seeking to invoke the jurisdiction of the court must establish the requisite standing to sue. Article III, of course, *155 gives the federal courts jurisdiction over only "cases and controversies," and the doctrine of standing serves to identify those disputes which are appropriately resolved through the judicial process. **1723 See *Valley Forge Christian College v. Americans United for Separation of Church & State, Inc.*, 454 U.S. 464, 471–476, 102 S.Ct. 752, 757–761, 70 L.Ed.2d 700 (1982). Our threshold inquiry

into standing "in no way depends on the merits of the [petitioner's] contention that particular conduct is illegal," *Warth v. Seldin*, 422 U.S. 490, 500, 95 S.Ct. 2197, 2205–06, 45 L.Ed.2d 343 (1975), and we thus put aside for now Whitmore's Eighth Amendment challenge and consider whether he has established the existence of a "case or controversy."

[2] [3] Although we have acknowledged before that "the concept of 'Art. III standing' has not been defined with complete consistency in all of the various cases decided by this Court which have discussed it," *Valley Forge, supra*, 454 U.S., at 475, 102 S.Ct., at 760, certain basic principles have been distilled from our decisions. To establish an Art. III case or controversy, a litigant first must clearly demonstrate that he has suffered an "injury in fact." That injury, we have emphasized repeatedly, must be concrete in both a qualitative and temporal sense. The complainant must allege an injury to himself that is "distinct and palpable," *Warth, supra*, 422 U.S., at 501, 95 S.Ct., at 2206, as opposed to merely "[a]bstract," *O'Shea v. Littleton*, 414 U.S. 488, 494, 94 S.Ct. 669, 675, 38 L.Ed.2d 674 (1974), and the alleged harm must be actual or imminent, not "conjectural" or "hypothetical." *Los Angeles v. Lyons*, 461 U.S. 95, 101–102, 103 S.Ct. 1660, 1664–1665, 75 L.Ed.2d 675 (1983). Further, the litigant must satisfy the "causation" and "redressability" prongs of the Art. III minima by showing that the injury "fairly can be traced to the challenged action" and "is likely to be redressed by a favorable decision." *Simon v. Eastern Kentucky Welfare Rights Organization*, 426 U.S. 26, 38, 41, 96 S.Ct. 1917, 1924, 1926, 48 L.Ed.2d 450 (1976); *Valley Forge, supra*, 454 U.S., at 472, 102 S.Ct., at 758–59. The litigant must clearly and specifically set forth facts sufficient to satisfy these Art. III standing requirements. A federal court is powerless to create its own *156 jurisdiction by embellishing otherwise deficient allegations of standing. See *Warth, supra*, 422 U.S., at 508, 518, 95 S.Ct., at 2210, 2215.¹

B

As we understand Whitmore's claim of standing in his individual capacity, he alleges that the State has infringed rights that the Eighth Amendment grants to him personally

and to the subject of the impending execution, Simmons. He therefore rests his claim to relief both on his own asserted legal right to a system of mandatory appellate review and on Simmons' similar right. Under either theory, Whitmore must establish Art. III standing, see [Secretary of State of Md. v. Joseph H. Munson Co.](#), 467 U.S. 947, 956, 104 S.Ct. 2839, 2846–47, 81 L.Ed.2d 786 (1984); [Singleton v. Wulff](#), 428 U.S. 106, 112, 96 S.Ct. 2868, 2873, 49 L.Ed.2d 826 (1976), and we find that his allegations fall short of doing so.





[4] [5] [6] Whitmore's principal claim of injury in fact is that Arkansas has established a system of comparative review in death penalty cases, and that he has “a direct and substantial interest in having the data base against which his crime is compared to be complete and to not be arbitrarily skewed by the omission of any other capital case.” Brief for Petitioner 21. Although he has already been convicted of murder and sentenced to death, has exhausted his direct appellate review, see [Whitmore v. State](#), 296 Ark. 308, 756 S.W.2d 890 (1988), and has been denied state postconviction relief, [Whitmore v. State](#), 299 Ark. 55, 771 S.W.2d 266 (1989), petitioner suggests that he might in the future obtain federal habeas corpus relief that would entitle him to a new trial. If, in ****1724** that new trial, Whitmore is again convicted and sentenced to death, he would once more seek review of the sentence by the Supreme Court of Arkansas; that court would compare Whitmore's case with other capital cases to insure that the death penalty ***157** is not freakishly or arbitrarily applied in Arkansas. Petitioner asserts that he would ultimately be injured by the State Supreme Court's failure to review Simmons' death sentence, because the heinous crimes committed by Simmons would not be included in the data base employed for Whitmore's comparative review. The injury would be redressed by an order from this Court that the Eighth Amendment requires mandatory appellate review.





Petitioner's alleged injury is too speculative to invoke the jurisdiction of an Art. III court. Whitmore's conviction and death sentence are final, and his claim that he may eventually secure federal habeas relief from his conviction is obviously problematic. Nor, although the odds may well be better, can petitioner prove that if he were to obtain habeas relief, he would be retried, convicted, and again sentenced to death. And even were we to follow Whitmore this far down the path, it is nothing more than conjecture that the addition of Simmons' crimes to a comparative review “data base” would lead the Supreme Court of Arkansas to set aside a

death sentence for Whitmore, whose victim died after he stabbed her 10 times, cut her throat, and carved an “X” on the side of her face. 296 Ark., at 317, 756 S.W.2d, at 895. In its comparative review of Whitmore's current sentence, the Arkansas court simply noted that defendants in similar robbery-murder capital crimes had also been sentenced to death. *Ibid.* Whitmore provides no factual basis for us to conclude that the sentence imposed on a mass murderer like Simmons would even be relevant to a future comparative review of Whitmore's sentence.

Whitmore's theory of injury is at least as speculative as others we have found insufficient to establish Art. III injury in fact. In *O'Shea v. Littleton*, *supra*, we held there was no case or controversy where residents of an Illinois town sought injunctive relief against a Magistrate and a Circuit Court Judge whom the plaintiffs claimed were engaged in a pattern and practice of illegal bondsetting, sentencing, and ***158** jury-fee practices in criminal cases. The allegation of respondents (plaintiffs) in that case amounted to a claim “that if respondents proceed to violate an unchallenged law and if they are charged, held to answer, and tried in any proceedings before petitioners, they will be subjected to the discriminatory practices that petitioners are alleged to have followed.” [Id.](#), at 497, 94 S.Ct., at 676–77. That contention, which we think is analogous to Whitmore's, took us “into the area of speculation and conjecture,” *ibid.*, and beyond the bounds of our jurisdiction.


We have likewise thought inadequate allegations of future injury contingent on a plaintiff having an encounter with police wherein police would administer an allegedly illegal “chokehol[d],” [Los Angeles v. Lyons](#), 461 U.S., at 105, 103 S.Ct., at 1666–67, on the prospective future candidacy of a former Congressman, [Golden v. Zwickler](#), 394 U.S. 103, 109, 89 S.Ct. 956, 960, 22 L.Ed.2d 113 (1969), and on police using deadly force against a person fleeing from an as yet uneffected arrest. [Ashcroft v. Mattis](#), 431 U.S. 171, 172, n. 2, 97 S.Ct. 1739, 1740, n. 2, 52 L.Ed.2d 219 (1977). Recently in [Diamond v. Charles](#), 476 U.S. 54, 106 S.Ct. 1697, 90 L.Ed.2d 48 (1986), we rejected a physician's attempt to defend a state law restricting abortions, because his complaint that fewer abortions would lead to more paying patients was “‘unadorned speculation’ ” insufficient to invoke the federal judicial power. [Id.](#), at 66, 106 S.Ct., at 1705–06 (quoting [Simon v. Eastern Kentucky Welfare Rights Organization](#),






426 U.S., at 44, 96 S.Ct., at 1927). Each of these cases demonstrates what we have said many times before and reiterate today: Allegations of possible future injury do not satisfy the requirements of Art. III. A threatened ****1725** injury must be “ ‘certainly impending’ ” to constitute injury in fact.  *Babbitt v. Farm Workers*, 442 U.S. 289, 298, 99 S.Ct. 2301, 2308–09, 60 L.Ed.2d 895 (1979) (quoting  *Pennsylvania v. West Virginia*, 262 U.S. 553, 593, 43 S.Ct. 658, 663–64, 67 L.Ed. 1117 (1923)). See also  *Lyons*, *supra*, 461 U.S., at 102, 103 S.Ct., at 1665;  *United States v. Richardson*, 418 U.S. 166, 177–178, 94 S.Ct. 2940, 2946–2947, 41 L.Ed.2d 678 (1974).

Probably the most attenuated injury conferring Art. III standing was that asserted by the respondents in  *United States v. SCRAP*, 412 U.S. 669, 93 S.Ct. 2405, 37 L.Ed.2d 254 (1973). There, an environmental ***159** group challenged the Interstate Commerce Commission's approval of a surcharge on railroad freight rates, claiming that the adverse environmental impact of the ICC's action on the Washington metropolitan area would cause the group's members to suffer “ ‘economic, recreational and aesthetic harm.’ ”  *Id.*, at 678, 93 S.Ct., at 2411. The SCRAP group alleged that “a general rate increase would ... cause increased use of nonrecyclable commodities as compared to recyclable goods, thus resulting in the need to use more natural resources to produce such goods, some of which resources might be taken from the Washington area, and resulting in more refuse that might be discarded in national parks in the Washington area.”  *Id.*, at 688, 93 S.Ct., at 2416. The Court held that those pleadings alleged a specific and perceptible harm sufficient to survive a motion to dismiss for lack of standing, but also indicated that the United States could have been entitled to summary judgment on the standing issue if it showed that “the allegations were sham and raised no genuine issue of fact.”  *Id.*, at 689, and n. 15, 93 S.Ct., at 2417, and n. 15.

Even under the analysis of the standing question in *SCRAP*, which surely went to the very outer limit of the law, petitioner's asserted injury is not enough to establish jurisdiction. In *SCRAP*, the environmental group alleged that specific and perceptible harms—depletion of natural resources and increased littering—would befall its members imminently if the ICC orders were not reversed. That bald statement, even if incorrect, was held sufficient to withstand a motion to dismiss, because the plaintiffs in *SCRAP* may

have been able to show at trial that the string of occurrences alleged would happen immediately. But Whitmore does not make—and could not responsibly make—a similar claim of immediate harm. We can take judicial notice of the fact that writs of habeas corpus are granted in only some cases, and that guilty verdicts are returned after only some trials. It is just not possible for a litigant to prove in advance that the judicial system will lead to any particular result in his ***160** case. Thus, unlike the injury alleged in *SCRAP*, there is no amount of evidence that potentially could establish that Whitmore's asserted future injury is “ ‘real and immediate.’ ”

See  *O'Shea*, 414 U.S., at 494, 94 S.Ct., at 675. Moreover, as noted above, even if Whitmore could demonstrate with certainty that he would be retried, convicted, and sentenced, he has not shown that Simmons' convictions would be pertinent to his proportionality review in the Supreme Court of Arkansas.

[7] Whitmore also contends that as a citizen of Arkansas, he is “entitled to the public interest protections of the Eighth Amendment,” and has a right to invoke this Court's jurisdiction to insure that an execution is not carried out in Arkansas without appellate review. This allegation raises only the “generalized interest of all citizens in constitutional governance,”  *Schlesinger v. Reservists Committee to Stop the War*, 418 U.S. 208, 217, 94 S.Ct. 2925, 2930, 41 L.Ed.2d 706 (1974), and is an inadequate basis on which to grant petitioner standing to proceed. To dispose of this claim, we need do no more than quote our decision in  *Allen v. Wright*, 468 U.S. 737, 754, 104 S.Ct. 3315, 3326, 82 L.Ed.2d 556 (1984): “This Court has repeatedly held that an asserted right to have the Government act in accordance with law is ****1726** not sufficient, standing alone, to confer jurisdiction on a federal court.” Accord,  *Valley Forge College v. Americans United*, 454 U.S., at 482–483, and 489–490, n. 26, 102 S.Ct., at 763–764, and 767–768, n. 26 (“Were we to recognize standing premised on an ‘injury’ consisting solely of an alleged violation of a ‘personal constitutional right’ to a government that does not establish religion, a principled consistency would dictate recognition of respondents' standing to challenge execution of every capital sentence on the basis of a personal right to a government that does not impose cruel and unusual punishment”) (quoting  *Americans United for Separation of Church & State, Inc. v. United States Dept. of Health, Education and Welfare*, 619 F.2d 252, 265 (CA3 1980) (citation omitted));  *Schlesinger*, *supra*, 418 U.S., at 216–

227, 94 S.Ct., at 2929–2930; [United States v. Richardson](#), *supra*, 418 U.S., at 176–177, 94 S.Ct., at 2946–2947.

*161 [8] Perhaps recognizing the weakness of his claim for standing, petitioner argues next that the Court should create an exception to traditional standing doctrine for this case. The uniqueness of the death penalty and society's interest in its proper imposition, he maintains, justify a relaxed application of standing principles. The short answer to this suggestion is that the requirement of an Art. III “case or controversy” is not merely a traditional “rule of practice,” but rather is imposed directly by the Constitution. It is not for this Court to employ untethered notions of what might be good public policy to expand our jurisdiction in an appealing case. We have previously resisted the temptation to “import profound differences of opinion over the meaning of the Eighth Amendment to the United States Constitution into the domain of administrative law,” [Heckler v. Chaney](#), 470 U.S. 821, 838, 105 S.Ct. 1649, 1659, 84 L.Ed.2d 714 (1985); [id.](#), at 839–840, n. 2, 105 S.Ct., at 1659–60, n. 2 (BRENNAN, J., concurring), and restraint is even more important when the matter at issue is the constitutional source of the federal judicial power itself.² We hold that Whitmore does not have standing in his individual capacity to press an Eighth Amendment objection to Simmons' conviction and sentence.


C


As an alternative basis for standing to maintain this action, petitioner purports to proceed as “next friend of Ronald Gene Simmons.” Although we have never discussed the concept *162 of “next friend” standing at length, it has long been an accepted basis for jurisdiction in certain circumstances. Most frequently, “next friends” appear in court on behalf of detained prisoners who are unable, usually because of mental incompetence or inaccessibility, to seek relief themselves. *E.g.*, [United States ex rel. Toth v. Quarles](#), 350 U.S. 11, 13, n. 3, 76 S.Ct. 1, 3, n. 3, 100 L.Ed. 8 (1955) (prisoner's sister brought habeas corpus proceeding while he was being held in Korea). As early as the 17th century, the English Habeas Corpus Act of 1679 authorized complaints to be filed by “any one on ... behalf” of detained persons, see 31 Car. II, ch. 2, and in 1704 the House of Lords resolved “[T]hat every Englishman, who is imprisoned by any authority whatsoever, has an undoubted right, by his agents, or friends, to apply


for, and obtain a Writ of Habeas *1727 Corpus, in order to procure his liberty by due course of law.” See *Ashby v. White*, 14 How.St.Tr. 695, 814 (Q.B.1704). Some early decisions in this country interpreted ambiguous provisions of the federal habeas corpus statute to allow “next friend” standing in connection with petitions for writs of habeas corpus, see, *e.g.*, *Collins v. Traeger*, 27 F.2d 842, 843 (CA9 1928); *United States ex rel. Funaro v. Watchorn*, 164 F. 152, 153 (SDNY 1908),³ and Congress eventually codified *163 the doctrine explicitly in 1948. See 28 U.S.C. § 2242 (1982 ed.) (“Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended *or by someone acting in his behalf*”) (emphasis added).⁴


[9] [10] [11] A “next friend” does not himself become a party to the habeas corpus action in which he participates, but simply pursues the cause on behalf of the detained person, who remains the real party in interest. *Morgan v. Potter*, 157 U.S. 195, 198, 15 S.Ct. 590, 591, 39 L.Ed. 670 (1895); [Nash ex rel. Hashimoto v. MacArthur](#), 87 U.S.App.D.C. 268, 269–270, 184 F.2d 606, 607–608 (1950), cert. denied, 342 U.S. 838, 72 S.Ct. 64, 96 L.Ed. 634 (1951). Most important for present purposes, “next friend” standing is by no means granted automatically to whomever seeks to pursue an action on behalf of another. Decisions applying the habeas corpus statute have adhered to at least two firmly rooted prerequisites for “next friend” standing. First, a “next friend” must provide an adequate explanation—such as inaccessibility, mental incompetence, or other disability—why the real party in interest cannot appear on his own behalf to prosecute the action. *Wilson v. Lane*, 870 F.2d 1250, 1253 (CA7 1989), cert. pending, No. 89–81; [Smith ex rel. Missouri Public Defender Comm'n v. Armontrout](#), 812 F.2d 1050, 1053 (CA8), cert. denied, 483 U.S. 1033, 107 S.Ct. 3277, 97 L.Ed.2d 781 (1987); [Weber v. Garza](#), 570 F.2d 511, 513–514 (CA5 1978). Second, the “next friend” must be truly dedicated to the best interests of the person on whose behalf he seeks to litigate, see, *e.g.*, *Morris v. United States*, 399 F.Supp. 720, 722 (ED Va.1975), and it has been further *164 suggested that a “next friend” must have some significant relationship with the real party in interest. [Davis v. Austin](#), 492 F.Supp. 273, 275–276 (ND Ga.1980) (minister and first cousin of prisoner denied “next friend” standing). The burden is on the “next friend” clearly to establish the propriety of his status and thereby justify the jurisdiction of the court. *Smith, supra*, at 1053;


 *Groseclose ex rel. Harries v. Dutton*, 594 F.Supp. 949, 952 (MD Tenn.1984).

These limitations on the “next friend” doctrine are driven by the recognition that “[i]t ****1728** was not intended that the writ of habeas corpus should be availed of, as matter of course, by intruders or uninvited meddlers, styling themselves next friends.” *United States ex rel. Bryant v. Houston*, 273 F. 915, 916 (CA2 1921); see also  *Rosenberg v. United States*, 346 U.S. 273, 291–292, 73 S.Ct. 1152, 1161–1162, 97 L.Ed. 1607 (1953) (Jackson, J., concurring with five other Justices) (discountenancing practice of granting “next friend” standing to one who was a stranger to the detained persons and their case and whose intervention was unauthorized by the prisoners’ counsel). Indeed, if there were no restriction on “next friend” standing in federal courts, the litigant asserting only a generalized interest in constitutional governance could circumvent the jurisdictional limits of Art. III simply by assuming the mantle of “next friend.”

[12] Whitmore, of course, does not seek a writ of habeas corpus on behalf of Simmons. He desires to intervene in a state-court proceeding to appeal Simmons’ conviction and death sentence. Under these circumstances, there is no federal statute authorizing the participation of “next friends.” The Supreme Court of Arkansas recognizes, apparently as a matter of common law, the availability of “next friend” standing in the Arkansas courts, see  *Franz v. State*, 296 Ark., at 184, 754 S.W.2d, at 840–841, but declined to grant it to Whitmore. Without deciding whether a “next friend” may ever invoke the jurisdiction of a federal court absent congressional authorization, we think the scope of any federal doctrine of “next friend” standing is no broader than what is ***165** permitted by the habeas corpus statute, which codified the historical practice. And in keeping with the ancient tradition of the doctrine, we conclude that one necessary condition for “next friend” standing in federal court is a showing by the proposed “next friend” that the real party in interest is unable to litigate his own cause due to mental incapacity, lack of access to court, or other similar disability.


[13] [14] That prerequisite for “next friend” standing is not satisfied where an evidentiary hearing shows that the defendant has given a knowing, intelligent, and voluntary waiver of his right to proceed, and his access to court is otherwise unimpeded. See  *Gilmore v. Utah*, 429 U.S., at 1017, 97 S.Ct., at 439 (STEVENS, J., concurring). Although we are not here faced with the question whether

a hearing on mental competency is required by the United States Constitution whenever a capital defendant desires to terminate further proceedings, such a hearing will obviously bear on whether the defendant is able to proceed on his own behalf. The Supreme Court of Arkansas requires a competency hearing as a matter of state law, and in this case it affirmed the trial court’s finding that Simmons had “the capacity to understand the choice between life and death and to knowingly and intelligently waive any and all rights to appeal his sentence.”  *Simmons v. State*, 298 Ark., at 194, 766 S.W.2d, at 423. At oral argument, Whitmore’s counsel questioned the validity of the waiver, but we find no reason to disturb the judgment of the Supreme Court of Arkansas on this point.

Simmons was questioned by counsel and the trial court concerning his choice to accept the death sentence, and his answers demonstrate that he appreciated the consequences of that decision. He indicated that he understood several possible grounds for appeal, which had been explained to him by counsel, but informed the court that he was “not seeking any technicalities.” Tr. 15. In a psychiatric interview, Simmons stated that he would consider it “ ‘a terrible miscarriage of justice for a person to kill people and not be executed,’ ” ***166** *id.*, 1<At 29, and there was no meaningful evidence that he was suffering from a mental disease, disorder, or defect that substantially affected his capacity to make an intelligent decision. See  *Rees v. Peyton*, 384 U.S. 312, 314, 86 S.Ct. 1505, 1506–07, 16 L.Ed.2d 583 (1966). We therefore hold that Whitmore, having failed to establish that Simmons is unable to proceed ****1729** on his own behalf, does not have standing to proceed as “next friend” of Ronald Gene Simmons.

* * *

At the beginning of this century, the Court confronted a situation similar to this in which a concerned citizen sought to bring an ordinary civil action to secure relief for a condemned man. The Court’s response on that occasion is equally apt today: “However friendly he may be to the doomed man and sympathetic for his situation; however concerned he may be lest unconstitutional laws be enforced, and however laudable such sentiments are, the grievance they suffer and feel is not special enough to furnish a cause of action in a case like this.” *Gusman v. Marrero*, 180 U.S. 81, 87, 21 S.Ct. 293, 295, 45 L.Ed. 436 (1901).

Jonas Whitmore lacks standing to proceed in this Court, and the writ of certiorari is dismissed for want of jurisdiction. See  *Doremus v. Board of Education of Hawthorne*, 342 U.S. 429, 72 S.Ct. 394, 96 L.Ed. 475 (1952).

It is so ordered.



Justice **MARSHALL**, with whom Justice **BRENNAN** joins, dissenting.


The Court today allows a State to execute a man even though no appellate court has reviewed the validity of his conviction or sentence. In reaching this result, the Court does not address the constitutional claim presented by petitioner: whether a State must provide appellate review in a capital case despite the defendant's desire to waive such review. Rather, it decides that petitioner does not have standing to raise that issue before this Court. The Court rejects petitioner's argument that he should be allowed to proceed *167 as Ronald Gene Simmons' "next friend," relying on the federal common-law doctrine that a competent defendant's waiver of his right to appeal precludes another person from appealing on his behalf. If petitioner's constitutional claim is meritorious, however, Simmons' execution violates the Eighth Amendment. The Court would thus permit an unconstitutional execution on the basis of a common-law doctrine that the Court has the power to amend.




Given the extraordinary circumstances of this case, then, consideration of whether federal common law precludes Jonas Whitmore's standing as Ronald Simmons' next friend should be informed by a consideration of the merits of Whitmore's claim. For the reasons discussed herein, the Constitution requires that States provide appellate review of capital cases notwithstanding a defendant's desire to waive such review. To prevent Simmons' unconstitutional execution, the Court should relax the common-law restriction on next-friend standing and permit Whitmore to present the merits question on Simmons' behalf. By refusing to address that question, the Court needlessly abdicates its grave responsibility to ensure that no person is wrongly executed. I dissent.


I

This Court has held that the Constitution does not require States to provide appellate review of noncapital criminal

cases.  *Ross v. Moffitt*, 417 U.S. 600, 611, 94 S.Ct. 2437, 2444, 41 L.Ed.2d 341 (1974) (citing  *McKane v. Durston*, 153 U.S. 684, 687, 14 S.Ct. 913, 914–15, 38 L.Ed. 867 (1894)). It is by now axiomatic, however, that the unique, irrevocable nature of the death penalty necessitates safeguards not required for other punishments.

“Under the Eighth Amendment, the death penalty has been treated differently from all other punishments. Among the most important and consistent themes in this Court's death penalty jurisprudence is the need for special care and deliberation in decisions that may lead to the imposition of that sanction. The Court has accordingly *168 imposed a series of unique substantive and procedural restrictions designed to ensure that capital punishment is not imposed without the serious and calm reflection that ought to precede any decision of such gravity and finality.”  **1730 *Thompson v. Oklahoma*, 487 U.S. 815, 856, 108 S.Ct. 2687, 2710, 101 L.Ed.2d 702 (1988) (O'CONNOR, J., concurring in judgment) (citation omitted).

See also  *Zant v. Stephens*, 462 U.S. 862, 884, 103 S.Ct. 2733, 2746–47, 77 L.Ed.2d 235 (1983) (“[B]ecause there is a qualitative difference between death and any other permissible form of punishment, ‘there is a corresponding difference in the need for reliability in the determination that death is the appropriate punishment in a specific case’”) (quoting  *Woodson v. North Carolina*, 428 U.S. 280, 305, 96 S.Ct. 2978, 2991, 49 L.Ed.2d 944 (1976) (plurality opinion));  *Eddings v. Oklahoma*, 455 U.S. 104, 118, 102 S.Ct. 869, 878–79, 71 L.Ed.2d 1 (1982) (O'CONNOR, J., concurring) (“[T]his Court has gone to extraordinary measures to ensure that the prisoner sentenced to be executed is afforded process that will guarantee, as much as is humanly possible, that the sentence was not imposed out of whim, passion, prejudice, or mistake”).

This Court has consistently recognized the crucial role of appellate review in ensuring that the death penalty is not imposed arbitrarily or capriciously. In  *Gregg v. Georgia*, 428 U.S. 153, 96 S.Ct. 2909, 49 L.Ed.2d 859 (1976), the Court upheld Georgia's capital sentencing scheme in large part because the statute required appellate review of every death sentence.

“As an important additional safeguard against arbitrariness and caprice, the Georgia statutory scheme provides for

automatic appeal of all death sentences to the State's Supreme Court. That court is required by statute to review each sentence of death and determine whether it was imposed under the influence of passion or prejudice, whether the evidence supports the jury's finding of a statutory aggravating circumstance, and whether the sentence is disproportionate compared to those sentences imposed in similar cases.” [Id.](#), at 198, 96 S.Ct., at 2937 (joint opinion of Stewart, Powell, and STEVENS, JJ.).

*169 See also [id.](#), at 211, 96 S.Ct., at 2942–43 (WHITE, J., joined by BURGER, C.J., and REHNQUIST, J., concurring in judgment) (“An important aspect of the new Georgia legislative scheme ... is its provision for appellate review ... in every case in which the death penalty is imposed”). The provision of automatic appellate review was also a significant factor in the Court's decisions that same Term upholding the capital sentencing schemes of Florida and Texas. See [Proffitt v. Florida](#), 428 U.S. 242, 253, 96 S.Ct. 2960, 2967, 49 L.Ed.2d 913 (1976) (joint opinion of Stewart, Powell, and STEVENS, JJ.) (risk of arbitrary or capricious infliction of death penalty “is minimized by Florida's appellate review system, under which the evidence of the aggravating and mitigating circumstances is reviewed and reweighed by the Supreme Court of Florida ‘to determine independently whether the imposition of the ultimate penalty is warranted’ ”) (citation omitted); [Jurek v. Texas](#), 428 U.S. 262, 276, 96 S.Ct. 2950, 2958, 49 L.Ed.2d 929 (1976) (joint opinion of Stewart, Powell, and STEVENS, JJ.) (“By providing prompt judicial review of the jury's decision in a court with statewide jurisdiction, Texas has provided a means to promote the evenhanded, rational, and consistent imposition of death sentences under law”). More recently, in [Zant v. Stephens](#), *supra*, the Court stressed that its decision to uphold the Georgia death penalty statute “depend [ed] in part on the existence of an important procedural safeguard, the mandatory appellate review of each death sentence by the Georgia Supreme Court to avoid arbitrariness and to assure proportionality.” [462 U.S.](#), at 890, 103 S.Ct., at 2749. Accord, [McCleskey v. Kemp](#), 481 U.S. 279, 303, 107 S.Ct. 1756, 1772, 95 L.Ed.2d 262 (1987). See also [Clemons v. Mississippi](#), 494 U.S. 738, 749, 110 S.Ct. 1441, 1448, 108 L.Ed.2d 725 (1990) (“[T]his Court has repeatedly emphasized that meaningful appellate review of death sentences promotes reliability and consistency”).

**1731 The existence of mandatory appellate review was also a significant factor in the Court's decision upholding California's capital sentencing scheme in [Pulley v. Harris](#), 465 U.S. 37, 53, 104 S.Ct. 871, 880–81, 79 L.Ed.2d 29 (1984). Moreover, although the Court held that the Constitution does not require appellate courts to engage in *170 proportionality review, it nevertheless acknowledged that [Gregg](#) “suggested that some form of meaningful appellate review is required.” [Id.](#), at 45, 104 S.Ct., at 877 (citing [Gregg](#), *supra*, 428 U.S., at 153, 198, 204–206, 96 S.Ct., at 2909, 2936–37, 2939–2941 (joint opinion of Stewart, Powell, and STEVENS, JJ.)). See also [Pulley](#), 465 U.S., at 49, 104 S.Ct., at 879 (“[Gregg](#) and [Proffitt](#) were focused not on proportionality review as such, but only on the provision of some sort of prompt and automatic appellate review”); [id.](#), at 54, 104 S.Ct., at 881 (STEVENS, J., concurring in part and concurring in judgment) (stating that this Court's precedents establish that “some form of meaningful appellate review is constitutionally required”).

Thus, much of this Court's death penalty jurisprudence rests on the recognition that appellate review is a crucial means of promoting reliability and consistency in capital sentencing. The high percentage of capital cases reversed on appeal vividly demonstrates that appellate review is an indispensable safeguard. Since 1983, the Arkansas Supreme Court, on direct review, has reversed in 8 out of 19 cases in which the death penalty had been imposed. See [Robertson v. State](#), 298 Ark. 131, 137, 765 S.W.2d 936, 940 (1989) (Hickman, J., concurring); [Fretwell v. State](#), 289 Ark. 91, 99, 708 S.W.2d 630, 634–635 (1986) (Hickman, J., concurring). Other States also have remarkably high reversal rates in capital cases. See, e.g., Burt, [Disorder in the Court: The Death Penalty and the Constitution](#), 85 Mich.L.Rev. 1741, 1792 (1987) (Florida Supreme Court set aside 47% of death sentences between 1972 and 1984); Dix, [Appellate Review of the Decision to Impose Death](#), 68 Geo.L.J. 97, 144–145, and n. 437 (1979) (Texas Court of Criminal Appeals reversed conviction or invalidated death sentence in 33% of cases between October 1975 and March 1979); *id.*, at 111, and n. 92 (Georgia Supreme Court did same in 30% of capital cases between April 1974 and March 1979). Cf. [Barefoot v. Estelle](#), 463 U.S. 880, 915, 103 S.Ct. 3383, 3406, 77 L.Ed.2d 1090 (1983) (MARSHALL, J., dissenting) (between 1976 and 1983, approximately 70% of capital defendants who had been denied federal habeas relief in district courts prevailed *171

in courts of appeals); Greenberg, *Capital Punishment as a System*, 91 Yale L.J. 908, 918 (1982) (estimating that 60% of convictions or sentences imposed under capital punishment statutes enacted after *Furman v. Georgia*, 408 U.S. 238, 92 S.Ct. 2726, 33 L.Ed.2d 346 (1972), were reversed at some point in postconviction appeals process; in contrast, federal criminal judgments in noncapital cases had a reversal rate of 6.5%); U.S. Dept. of Justice, Bureau of Justice Statistics, Bulletin, *Capital Punishment 1988*, p. 1 (July 1989) (116 of 296 death row inmates sent to prison in 1988 had sentences vacated or commuted during that year). These statistics make clear that in the absence of some form of appellate review, an unacceptably high percentage of criminal defendants would be wrongfully executed—"wrongfully" because they were innocent of the crime, undeserving of the severest punishment relative to similarly situated offenders, or denied essential procedural protections by the State. See Greenberg, *supra*, at 919–922 (listing numerous examples of death row inmates subsequently found to be not guilty and instances of capital convictions and sentences reversed for violations of federal or state law).

Our cases and state courts' experience with capital cases compel the conclusion that the Eighth and Fourteenth Amendments require appellate review of at least death sentences to prevent unjust executions. I believe the Constitution also mandates review of the underlying convictions. The core concern of all our death penalty decisions is that ***1732** States take steps to ensure to the greatest extent possible that no person is wrongfully executed. A person is just as wrongfully executed when he is innocent of the crime or was improperly convicted as when he was erroneously sentenced to death. States therefore must provide review of both the convictions and sentences in death cases.

II

Appellate review is necessary not only to safeguard a defendant's right not to suffer cruel and unusual punishment ***172** but also to protect society's fundamental interest in ensuring that the coercive power of the State is not employed in a manner that shocks the community's conscience or undermines the integrity of our criminal justice system. See *Gilmore v. Utah*, 429 U.S. 1012, 1019, 97 S.Ct. 436, 440, 50 L.Ed.2d 632 (1976) (MARSHALL, J., dissenting). Because a wrongful execution is an affront to society as a whole, a person may not consent to being executed without

appellate review. See *id.*, at 1018, 97 S.Ct., at 439–40 (WHITE, J., dissenting) (“[T]he consent of a convicted defendant in a criminal case does not privilege a State to impose a punishment otherwise forbidden by the Eighth Amendment”). As the District Court stated so compellingly on review of the habeas petition filed on Simmons' behalf by Reverend Louis Franz and Darrel Wayne Hill: “What is at stake here is our collective right as a civilized people not to have cruel and unusual punishment inflicted in our name. It is because of the crying need to vindicate that right, that basic value, that Simmons should be held unable ‘to waive resolution in state courts’ of the correctness of his death sentence.” *Franz v. Lockhart*, 700 F.Supp. 1005, 1024 (ED Ark.1988) (quoting *Gilmore v. Utah*, *supra*, 429 U.S., at 1018, 97 S.Ct., at 439–40 (WHITE, J., dissenting)) (citation omitted), appeal pending, No. 89–1485EA (CA8). See also, e.g., *Commonwealth v. McKenna*, 476 Pa. 428, 441, 383 A.2d 174, 181 (1978) (“The doctrine of waiver ... was not ... designed to block giving effect to a strong public interest, which itself is a jurisprudential concern[, or to] allo[w] a criminal defendant to choose his own sentence.... The waiver rule cannot be exalted to a position so lofty as to require this Court to blind itself to the real issue—the propriety of allowing the state to conduct an illegal execution of a citizen”) (footnote omitted); *People v. Stanworth*, 71 Cal.2d 820, 834, 80 Cal.Rptr. 49, 59, 457 P.2d 889, 899 (1969) (“[W]e are not dealing with a right or privilege conferred by law upon the litigant for his sole personal benefit. We are concerned with a principle of fundamental public policy. The law cannot suffer the state's interest and concern in the observance and enforcement of ***173** this policy to be thwarted through the guise of waiver of a personal right by an individual”) (internal quotation marks omitted; citation omitted).

A defendant's voluntary submission to a barbaric punishment does not ameliorate the harm that imposing such a punishment causes to our basic societal values and to the integrity of our system of justice. Certainly a defendant's consent to being drawn and quartered or burned at the stake would not license the State to exact such punishments. Nor could the State knowingly execute an innocent man merely because he refused to present a defense at trial and waived his right to appeal. Similarly, the State may not conduct an execution rendered unconstitutional by the lack of an appeal merely because the defendant agrees to that punishment.

This case thus does not involve a capital defendant's so-called "right to die." When a capital defendant seeks to circumvent procedures necessary to ensure the propriety of his conviction and sentence, he does not ask the State to permit him to take his own life. Rather, he invites the State to violate two of the most basic norms of a civilized society—that the State's penal authority be invoked only where necessary to serve the ends of justice, not the ends of a particular individual, and that punishment be imposed only where the State has adequate assurance that ****1733** the punishment is justified. The Constitution forbids the State to accept that invitation.

Society's overwhelming interest in preventing wrongful executions is evidenced by the fact that almost all of the 37 States with the death penalty apparently have prescribed mandatory, nonwaivable appellate review of at least the sentence in capital cases. U.S. Dept. of Justice, Bureau of Justice Statistics, Bulletin, Capital Punishment 1988, p. 5 (July 1989); Carter, Maintaining Systemic Integrity in ***174** Capital Cases: The Use of Court-Appointed Counsel to Present Mitigating Evidence When the Defendant Advocates Death, 55 Tenn.L.Rev. 95, 113–114 (1987).¹ The Arkansas Supreme Court is the only state high court that has held that a competent capital defendant's waiver of his appeal precludes appellate review entirely. **■** *Franz v. State*, 296 Ark. 181, 196–197, 754 S.W.2d 839, 847 (1988) (Glaze, J., concurring and dissenting). Furthermore, since the reinstatement of capital ***175** punishment in 1976, only one person, Gary Gilmore, has been executed without any appellate review of his case. See **■** *Gilmore v. Utah*, 429 U.S. 1012, 97 S.Ct. 436, 50 L.Ed.2d 632 (1976). Following Utah's execution of Gilmore, that State amended its law to provide for mandatory, nonwaivable appellate review. Utah Code Ann. § 77–35–26(10) (Supp.1989); see also Utah Code Ann. § 76–3–206(2) (1978). The extreme rarity of unreviewed executions in itself suggests the unconstitutionality of such killings. Cf. **■** *Enmund v. Florida*, 458 U.S. 782, 788–796, 102 S.Ct. 3368, 3371–3376, 73 L.Ed.2d 1140 (1982) (finding unconstitutional Florida's death penalty for felony murder in part because only 8 of 36 jurisdictions authorized death for such a crime); **■** *Coker v. Georgia*, 433 U.S. 584, 593–597, 97 S.Ct. 2861, 2866–2869, 53 L.Ed.2d 982 (1977) (striking down Georgia's provision for death penalty for rape of adult woman in part because Georgia was only State with such a provision).





This Court has recognized in other contexts that societal interests may justify limiting a competent person's ability to waive a constitutional protection. In **■** *Singer v. United States*, 380 U.S. 24, 85 S.Ct. 783, 13 L.Ed.2d 630 (1965), for example, the Court upheld the constitutionality of ****1734** Federal Rule of Criminal Procedure 23(a), which conditions a defendant's waiver of his right to a jury trial on the approval of the court and the prosecution. The Court reasoned that "[t]he Constitution recognizes an adversary system as the proper method of determining guilt, and the Government, as a litigant, has a legitimate interest in seeing that cases in which it believes a conviction is warranted are tried before the tribunal which the Constitution regards as most likely to produce a fair result." **■** 380 U.S., at 36, 85 S.Ct., at 790–91. Society's interest, expressed in the Eighth Amendment, of ensuring that punishments are neither cruel nor unusual similarly justifies restricting a defendant's ability to acquiesce in the infliction of wrongful punishment. Although death may, to some death row inmates, seem preferable to life in prison, society has the right, and indeed the obligation, ***176** to see that procedural safeguards are observed before the State takes a human life.²

III

Given that the Constitution requires mandatory, nonwaivable appellate review, the question remains whether Whitmore may seek relief in this Court on Simmons' behalf. This Court should take whatever measures are necessary, and within its power, to prevent Simmons' illegal execution. The common-law doctrine of next-friend standing provides a mechanism for doing so without exceeding the **Article III** limitations on our jurisdiction.³ The Court's refusal to use that mechanism suggests that the Court's desire to eliminate delays in executions exceeds its solicitude for the Eighth Amendment.

As the Court acknowledges, a next friend pursues an action on behalf of the real party in interest. *Ante*, at 1727. Simmons obviously satisfies the **Article III** and prudential standing requirements. The Court therefore does not dispute that Whitmore, standing in for Simmons, would also meet these requirements. The Court refuses to allow Whitmore to act as Simmons' next friend, however, because he has not shown that Simmons "is unable to litigate his own cause due to mental incapacity, lack of access to court, or ***177** other similar disability." *Ante*, at 1728. The Court suggests, without

holding, that a party asserting next-friend status must also prove that he is “truly dedicated to the best interests of the person on whose behalf he seeks to litigate,” *ante*, at 1727, and perhaps, too, that he has “some significant relationship with the real party in interest,” *ante*, at 1727.⁴

Assuming for the sake of argument that Simmons was competent to forgo petitioning this Court for review⁵ and that Whitmore is ****1735** only minimally interested in Simmons' welfare, I would nevertheless permit Whitmore to proceed as Simmons' next friend. The requirements for next-friend standing are creations of common law, not of the Constitution. *Ante*, at 1727–1728. Thus, no constitutional considerations impede the Court's deciding this case on the merits.⁶ The Court certainly ***178** has the authority to expand or contract a common-law doctrine where necessary to serve an important judicial or societal interest. Examples of the Court's exercise of that authority pervade our case law. See, e.g.,  *Harlow v. Fitzgerald*, 457 U.S. 800, 815–819, 102 S.Ct. 2727, 2736–2739, 73 L.Ed.2d 396 (1982) (abandoning subjective element of qualified immunity defense to avoid excessive disruption of government and to permit the resolution of insubstantial claims on summary judgment);  *Anderson v. Creighton*, 483 U.S. 635, 645, 107 S.Ct. 3034, 3042, 97 L.Ed.2d 523 (1987) (stating that *Harlow* “completely reformulated qualified immunity along principles not at all embodied in the common law, replacing the inquiry into subjective malice so frequently required at common law with an objective inquiry into the legal reasonableness of the official action”);  *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 326–333, 99 S.Ct. 645, 649–653, 58 L.Ed.2d 552 (1979) (discarding common-law doctrine of mutuality of parties and authorizing offensive use of collateral estoppel to protect litigants from burden of relitigating issues and to promote judicial economy). See also  *Livingston v. Jefferson*, 15 F.Cas. 660, 663 (No. 8,411) (CC Va.1811) (Marshall, C.J., Circuit Judge) (common-law principle is “a principle of unwritten law, which is really human reason applied by courts, not capriciously, but in a regular train of decisions, to human affairs, according to the circumstances of the nation, the necessity of the times, and the general state of things, [and is] susceptible of modification”). In this case, the magnitude of the societal interests at stake justifies relaxing the next-friend requirements to permit Whitmore to challenge Simmons' execution.

Relaxation of those requirements is especially warranted here because judicial consideration of the claim that the Constitution requires appellate review of every capital case would ***179** otherwise be virtually impossible. If a capital defendant desires appellate review, he will undoubtedly obtain that review in state court, see n. 1, *supra*, and, perhaps, in federal court on a petition for habeas corpus. If he waives his right to appeal and is found incompetent, a next friend will be allowed to pursue the appeal, again obviating the need to decide whether the Eighth Amendment requires mandatory, nonwaivable review. Although the fact that a constitutional issue will never be resolved may not justify carving out an exception to [Article III's](#) standing requirements, surely that fact, when considered with society's commitment to avoiding wrongful executions, provides ample cause for enlarging the scope of a federal common-law doctrine.

****1736** The only purpose the Court invokes for rigidly applying the restrictions on next-friend standing is preventing “ ‘intruders or uninvited meddlers’ ” from pursuing habeas corpus relief “ ‘as matter of course.’ ” *Ante*, at 1728 (quoting *United States ex rel. Bryant v. Houston*, 273 F. 915, 916 (CA2 1921)). This purpose, however, does not justify refusing to allow Whitmore to proceed as Simmons' next friend in this Court.⁷ First, the Court need not hold that all federal ***180** courts must relax restrictions on next-friend standing; the common-law rules could be altered only to the extent this Court deems necessary. If this Court were to hold that Whitmore has standing before it, and then, on the merits, that the Constitution requires some form of nonwaivable appellate review in state court, at least one level of review would be assured for each capital case. Such a decision would obviate the need for relaxing the restrictions in federal district courts and courts of appeals.⁸

181** More fundamentally, however, the interest in preventing a suit by an “uninvited meddler” pales in comparison to society's interest in preventing an illegal execution. When, as here, allowing the “meddler” to press the condemned man's interests is the *1737** only means by which the Court can prevent an unconstitutional execution, the Court should sacrifice the common-law restrictions rather than the defendant's life.

IV

The Court today refuses to address a meritorious constitutional claim by rigidly applying a technical common-

law rule completely within its power to amend or suspend. It thereby permits States to violate the Constitution by executing willing defendants without requiring minimal assurance that their convictions were correct or their sentences justified. This decision thus continues the Court's unseemly effort to hasten executions at the cost of permitting constitutional violations to go unrectified. See, e.g., [Butler v. McKellar](#), 494 U.S. 407, 110 S.Ct. 1212, 108 L.Ed.2d 347 (1990); [Teague v.](#)

[Lane](#), 489 U.S. 288, 109 S.Ct. 1060, 103 L.Ed.2d 334 (1989). I dissent.

All Citations

495 U.S. 149, 110 S.Ct. 1717, 109 L.Ed.2d 135, 58 USLW 4495










Footnotes

- * The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See [United States v. Detroit Lumber Co.](#), 200 U.S. 321, 337, 26 S.Ct. 282, 287, 50 L.Ed. 499.
- 1 In addition to the constitutional requirements of Art. III, the court has developed several now-familiar prudential limitations on standing. See [Valley Forge Christian College v. Americans United for Separation of Church & State, Inc.](#), 454 U.S. 464, 472–475, 102 S.Ct. 752, 758–760, 70 L.Ed.2d 700 (1982). These limitations are not involved in this case.
- 2 The cases relied upon by petitioner to establish that the strict requirement of standing, in some circumstances, is only a “rule of practice” that can be relaxed in view of countervailing policies are inapposite, because they concern *prudential* barriers to standing, not the mandates of Art. III. See [Eisenstadt v. Baird](#), 405 U.S. 438, 445, 92 S.Ct. 1029, 1034, 31 L.Ed.2d 349 (1972); [Dombrowski v. Pfister](#), 380 U.S. 479, 486–487, 85 S.Ct. 1116, 1120–1121, 14 L.Ed.2d 22 (1965); [United States v. Raines](#), 362 U.S. 17, 22, 80 S.Ct. 519, 523, 4 L.Ed.2d 524 (1960). Because we conclude that petitioner has not established Art. III standing, we need not decide whether it would be appropriate in this type of action to relax the general prudential rule that a litigant “must assert his own legal rights and interests, and cannot rest his claim to relief on the legal rights or interests of third parties.” [Warth v. Seldin](#), 422 U.S. 490, 499, 95 S.Ct. 2197, 2205, 45 L.Ed.2d 343 (1975).
- 3 One section of the former habeas corpus statute provided that “[a]pplication for writ of habeas corpus shall be ... signed by the person for whose relief it is intended.” Rev.Stat. § 754; 28 U.S.C. § 454 (1940 ed.) (emphasis added). Nevertheless, the *Collins* and *Watchorn* courts found an implicit authorization of “next friend” standing in § 760 of the revised statutes, which stated that “[t]he petitioner or the party imprisoned or restrained may deny any of the facts set forth in the return.” Rev.Stat. § 760; 28 U.S.C. § 460 (1940 ed.) (emphasis added). At least one court concluded that “next friend” standing was not available under the old statute. [Ex parte Hibbs](#), 26 F. 421, 435 (Ore.1886). Other courts recognized the ability of third parties to apply for a writ but did not make clear the basis for their decisions. [United States ex rel. Bryant v. Houston](#), 273 F. 915, 916–917 (CA2 1921); [Ex parte Dostal](#), 243 F. 664, 668 (ND Ohio 1917). When Congress added the words “or by someone acting in his behalf” to § 754 in 1948, the revisers noted that the change “follow[ed] the actual practice of the courts.” Revisers' Notes to 28 U.S.C. § 2242 (1982 ed.).
- 4 Some courts have permitted “next friends” to prosecute actions outside the habeas corpus context on behalf of infants, other minors, and adult mental incompetents. See, e.g., [Garnett v. Garnett](#), 114 Mass. 379 (1874)

(“next friend” may bring action for divorce on behalf of an insane person); [Campbell v. Campbell](#), 242 Ala. 141, 5 So.2d 401 (1941) (same); [Blumenthal v. Craig](#), 81 F. 320, 321–322 (CA3 1897) (“next friend” was admitted by court to prosecute personal injury action on behalf of the plaintiff, who was a minor); [Baltimore & Ohio R. Co. v. Fitzpatrick](#), 36 Md. 619 (1872) (same).

- 1 Thirteen States, by statute, rule, or case law, explicitly provide that review of at least the capital sentence will occur with or without the defendant's election or participation. [Ala.Code § 12–22–150](#) (1986); [Cal.Penal Code Ann. § 1239\(b\)](#) (West Supp.1990); [People v. Stanworth](#), 71 Cal.2d 820, 832–834, 80 Cal.Rptr. 49, 58–59, 457 P.2d 889, 898–899 (1969); [Del.Code Ann., Tit. 11, § 4209\(g\)](#) (1987); [Goode v. State](#), 365 So.2d 381, 384 (Fla.1978) (construing [Fla.Stat. § 921.141\(4\)](#) (1989)); [Ill.Rev.Stat., ch. 110A, ¶ 606\(a\)](#) (1987); [Judy v. State](#), 275 Ind. 145, 157–158, 416 N.E.2d 95, 102 (1981) (construing [Ind.Code § 35–50–2–9](#) (1988)); [Mo.Rev.Stat. § 565.035](#) (1986); [Nev.Rev.Stat. § 177.055\(2\)](#) (1989); [Cole v. State](#), 101 Nev. 585, 590, 707 P.2d 545, 548 (1985); [N.J.Stat. Ann. § 2C:11–3\(e\)](#) (West Supp.1989); [Commonwealth v. McKenna](#), 476 Pa. 428, 439–440, 383 A.2d 174, 181 (1978) (construing predecessor statute to [42 Pa.Cons.Stat. § 9711\(h\)](#) (1988)); [Tenn.Code Ann. § 39–2–205](#) (1982); [State v. Holland](#), 777 P.2d 1019, 1022 (Utah 1989) (construing [Utah Code Ann. § 77–35–26\(10\)](#) (Supp.1989)); see also [Utah Code Ann. § 76–3–206\(2\)](#) (1978); [Vt.Rule App.Proc. 3\(b\)](#). Twenty-two States' statutes or rules employ language indicating that their appellate courts must review at least the sentence in every capital case. [Ariz.Rule Crim.Proc. 31.2\(b\)](#); [Colo.Rev.Stat. § 16–11–103\(7\)\(a\)](#) (Supp.1989); [Conn.Gen.Stat. § 53a–46b](#) (1985); [Ga.Code Ann. § 17–10–35](#) (1982); [Idaho Code § 19–2827](#) (1987); [Ky.Rev.Stat. Ann. § 532.075](#) (Michie 1985); [La.Code Crim.Proc. Ann., Art. 905.9](#) (West 1984); [Md. Ann.Code, Art. 27, § 414](#) (1987); [Miss.Code Ann. § 99–19–105](#) (Supp.1989); [Mont.Code Ann. § 46–18–307](#) (1989); [Neb.Rev.Stat. § 29–2525](#) (1989); [N.H.Rev.Stat. Ann. § 630:5\(VI\)](#) (1986); [N.M.Stat. Ann. § 31–20A–4](#) (1987); [N.C.Gen.Stat. § 15A–2000\(d\)\(1\)](#) (1988); [Okla.Stat., Tit. 21, § 701.13](#) (Supp.1989); [Ore.Rev.Stat. § 163.150\(1\)\(g\)](#) (1989); [S.C.Code § 16–3–25](#) (1985); [S.D.Codified Laws § 23A–27A–9](#) (1988); [Tex.Crim.Proc.Code Ann. § 37.071\(h\)](#) (Supp.1990); [Va.Code § 17–110.1](#) (1988); [Wash.Rev.Code § 10.95.100](#) (1989); [Wyo.Stat. § 6–2–103](#) (1988). Ohio's rule as to waiver is unclear. See [Ohio Rev.Code Ann. § 2929.05](#) (1987). In [State v. Brooks](#), 25 Ohio St.3d 144, 495 N.E.2d 407 (1986), however, both the Ohio Court of Appeals and Ohio Supreme Court reviewed the defendant's death sentence after the State Court of Appeals denied his motion to withdraw his appeal.
- 2 Underlying the Court's decision may be the assumption that a competent defendant would never waive his right to appeal unless he was guilty of the crime and deserved to die. See [Franz v. Lockhart](#), 700 F.Supp. 1005, 1023 (ED Ark.1988), appeal pending, No. 89–1485EA (CA8). There is no reason to believe, however, that only defendants guilty of the most heinous crimes would choose death over life in prison.
- 3 The question whether Whitmore may act as Simmons' next friend in this Court is distinct from the question whether Whitmore could do so in the Arkansas Supreme Court. This Court cannot impose federal standing restrictions, whether derived from [Article III](#) or federal common law, on state courts. See [ASARCO Inc. v. Kadish](#), 490 U.S. 605, 620, 109 S.Ct. 2037, 2047, 104 L.Ed.2d 696 (1989); [Department of Labor v. Triplett](#),

494 U.S. 715, 729, 110 S.Ct. 1428, —, 108 L.Ed.2d 701 (1990) (MARSHALL, J., concurring in judgment). The Court's holding thus affects only federal courts.

- 4 Despite the Court's suggestion, I cannot believe that this Court would ever hold that a defendant judged incompetent to waive his right to appeal could be executed without appellate review on the ground that no one with a sufficiently close relation to him had stepped forward to pursue the appeal. Rather, a court would be required to appoint someone to represent such a defendant. See *Franz v. Lockhart*, *supra*, at 1011, n. 2. See also Carter, Maintaining Systemic Integrity in Capital Cases: The Use of Court–Appointed Counsel to Present Mitigating Evidence When the Defendant Advocates Death, 55 Tenn.L.Rev. 95 (1987).
- 5 In determining Simmons' competency to waive his right to seek relief in this Court, the majority relies on the Arkansas trial court's finding that Simmons was competent to waive his right to appeal in *state* court. *Ante*, at 1728–1729. At no point, however, has any court determined that Simmons was competent to waive his right to petition this Court for a writ of certiorari. Legal competency is not static. Given that Simmons' life turns on this question, the Court should at least require a specific determination that he was competent to forgo petitioning this Court before it dismisses this case without reaching the merits.
- 6 The Court suggests that some restriction on next-friend standing is necessary to prevent a litigant who asserts only a generalized grievance from circumventing Article III's standing requirements. *Ante*, at 1728. But as long as the real party in interest satisfies those standing requirements, as Simmons clearly does, this Court will be presented with an actual case or controversy. If the Court's suggestion were true, it would necessitate abolishing next-friend standing entirely. In terms of Article III, a next friend who represents the interests of an incompetent person with whom he has a significant relation is no different from a next friend who pursues a claim on behalf of a competent stranger; both rely wholly on the injury to the real party in interest to satisfy constitutional standing requirements.
- 7 Appeal to *stare decisis* similarly cannot relieve the Court of responsibility for today's disturbing decision. This case is the first opportunity for this Court to address the next-friend issue raised here with the benefit of full briefing by the parties. Four times the Court was presented with this question in the context of applications for stays of executions filed by parties other than the defendants. Three times the Court denied the applications. See  *Gilmore v. Utah*, 429 U.S. 1012, 97 S.Ct. 436, 50 L.Ed.2d 632 (1976); *Evans v. Bennett*, 440 U.S. 987, 99 S.Ct. 1986, 60 L.Ed.2d 370 (1979);  *Lenhard v. Wolff*, 444 U.S. 807, 100 S.Ct. 29, 62 L.Ed.2d 20 (1979). In *Gilmore*, the Court stated only that the competent defendant had knowingly and intelligently waived any federal rights.  429 U.S., at 1013, 97 S.Ct., at 437. In *Evans*, then-Justice REHNQUIST, in his capacity as Circuit Justice, stayed the execution pending consideration by the full Court.  440 U.S. 1301, 99 S.Ct. 1481, 59 L.Ed.2d 756 (1979) (in chambers). The Court then denied the application without opinion, 440 U.S. 987, 99 S.Ct. 1986, 60 L.Ed.2d 370 (1979), with Justice BRENNAN noting in his concurrence that a stay was not necessary because the State had not set an execution date, *ibid*. In *Lenhard*, the Court did not issue an opinion.  444 U.S., at 807, 100 S.Ct., at 29. In  *Rosenberg v. United States*, 346 U.S. 273, 73 S.Ct. 1152, 97 L.Ed. 1607 (1953), however, the Court did consider the merits of an application to stay the executions of Julius and Ethel Rosenberg filed by counsel for a man who had no connection to the Rosenbergs and who had not participated in any proceedings related to their case until the stay proceedings in this Court.  *Id.*, at 288–289, 73 S.Ct., at 1160–1161 (*per curiam*);  *id.*, at 291, 73 S.Ct., at 1161–62 (Jackson, J., concurring) (“Edelman [the applicant] is a stranger to the Rosenbergs and to their case. His intervention was unauthorized by them and originally opposed by their counsel”). Justice Jackson's concurring opinion stated that the Court “discountenance[d] this practice” of considering an argument not originally pressed by the defendant's own counsel, where those counsel were vigorously contesting the defendants' death sentences.  *Id.*, at 292, 73

S.Ct., at 1162. Far more importantly, however, the Court did not dismiss the application on the ground that the applicant did not satisfy the common-law requirements of next-friend status, but addressed the application on its merits. [¶](#) *Id.*, at 289, 73 S.Ct., at 1160–61 (*per curiam*). See also [¶](#) *id.*, at 294, 73 S.Ct., at 1163 (Clark, J., concurring) (“Human lives are at stake; we need not turn this decision on fine points of procedure or a party’s technical standing to claim relief”); [¶](#) *id.*, at 299–300, 73 S.Ct., at 1165–1166 (Black, J., dissenting) (“I cannot believe ... that if the sentence of a citizen to death is plainly illegal, this Court would allow that citizen to be executed on the grounds that his lawyers had ‘waived’ plain error. An illegal execution is no less illegal because a technical ground of ‘waiver’ is assigned to justify it”); [¶](#) *id.*, at 312, 73 S.Ct., at 1172 (Douglas, J., dissenting) (“[T]he question of an unlawful sentence is never barred. No man or woman should go to death under an unlawful sentence merely because his lawyer failed to raise the point”).

- 8 The Court’s decision today, which rests on federal common law developed in connection with habeas corpus cases, *ante*, at 1728, apparently applies to next-friend standing in habeas cases brought in federal district court as well as to petitions for certiorari submitted to this Court. Congress could amend the habeas statute (which provides only that “[a]pplication for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended *or by someone acting in his behalf*,” 28 U.S.C. § 2242 (emphasis added)) explicitly to permit next-friend suits in cases of this sort so as to ensure some form of review of capital cases.




















Filings (5)

















Title	PDF	Court	Date	Type
<p>1. Motion for Leave to File Brief and Brief of Washington Legal Foundation, Patrick J. McNulty, Sr., Marjorie McNulty, Parents of Murdered Children, and the Allied Educational Foundation as Amici Curiae in Support of Respondents</p> <p>Jonas H. WHITMORE, Individually and as Next Friend of Ronald Gene Simmons, Petitioner, v. State of Arkansas, et al., Respondents. 1989 WL 1127493</p>	—	U.S.	Oct. 10, 1989	Brief
<p>2. Brief of Amici Curiae by the State of Missouri, joined by the States of Alabama, Idaho, New Mexico, Ohio, South Carolina and Virginia</p> <p>Jonas H. WHITMORE, Individually and as "Next Friend" of Ronald Gene Simmons, Petitioner, v. State of Arkansas, et al., Respondents. 1989 WL 1127495</p>	—	U.S.	Oct. 10, 1989	Brief
<p>3. Brief for the Respondent Ronald Gene Simmons, Sr.</p> <p>Jonas H. WHITMORE, Individually and as Next Friend of Ronald Gene Simmons Petitioner, v. State of Arkansas Respondent, Ronald Gene SIMMONS, Sr. Respondent. 1989 WL 1127490</p>	—	U.S.	Sep. 26, 1989	Brief
<p>4. Brief for the Petitioner</p> <p>Jonas H. WHITMORE, Individually and as Next Friend of Ronald Gene Simmons Petitioner, v. ARKANSAS, et al. Respondents. 1989 WL 1127486</p>	—	U.S.	Aug. 15, 1989	Brief
<p>5. Brief for Respondent the State of Arkansas</p> <p>Jonas H. WHITMORE, Individually and as Next Friend of Ronald Gene Simmons Petitioner, v. State of Arkansas Respondent, Ronald Gene SIMMONS, Sr. Respondent. 1988 WL 1026153</p>	—	U.S.	Oct Term 1988	Brief

Negative Treatment

Negative Citing References (19)

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:

Treatment	Title	Date	Type	Depth	Headnote(s)
Not Followed on State Law Grounds	 1. State ex rel. Ohio Academy of Trial Lawyers v. Sheward  MOST NEGATIVE	Aug. 16, 1999	Case		1 S.Ct.
	715 N.E.2d 1062 , Ohio TORTS - Tort Reform. Ohio legislative enactment effecting tort reforms was unconstitutional in its entirety.				
Declined to Extend by	2. Pettibone v. Ho-Chunk Nation Legislature 	May 15, 2002	Case		6 8 14 S.Ct.
	4 Am. Tribal Law 330 , Ho-Chunk Trial Ct. GOVERNMENT - Public Officials. Member of tribal legislature retained position of vice president when term as president pro tempore ended.				
Declined to Extend by	3. Abordo v. Dept. of Public Safety 	Nov. 28, 2012	Case		9 10 11 S.Ct.
	2012 WL 5954998 , D.Hawai'i On September 7, 2012, Defendant initiated this prisoner civil rights action by filing a Notice of Removal pursuant to 28 U.S.C. § 1441(c). ECF # 1. Plaintiff Edmund M. Abordo is a...				
Declined to Extend by	 4. Naruto v. Slater 	Apr. 23, 2018	Case		10 12 13 S.Ct.
	888 F.3d 418 , 9th Cir.(Cal.) COPYRIGHTS — Parties. Monkey, because it was a non-human, lacked statutory standing under Copyright Act to sue photographer for copyright infringement.				
Declined to Extend by	5. Muthana v. Pompeo 	Jan. 19, 2021	Case		10 12 13 S.Ct.
	985 F.3d 893 , D.C.Cir. IMMIGRATION — Citizenship. Former foreign diplomat's daughter, who left United States to join ISIS, and her son were not deprived of citizenship without due process.				
Distinguished by	 6. Vargas v. Lambert 	Oct. 11, 1998	Case		10 12 14 S.Ct.
	159 F.3d 1161 , 9th Cir.(Wash.) Mother and proposed "next friend" of state prisoner, whose death sentence for murder was upheld, 954 P.2d 1311, applied for stay of execution on behalf of prisoner. The United...				
Distinguished by	 7. Rohan ex rel. Gates v. Woodford 	June 25, 2003	Case		9 10 12 S.Ct.
	334 F.3d 803 , 9th Cir.(Cal.) CRIMINAL JUSTICE - Habeas Corpus. Incompetent bringing federal habeas petition in capital case was entitled to stay until found competent.				
Distinguished by	8. Levine v. Johanns	Sep. 06, 2006	Case		6 S.Ct.
	2006 WL 8441742 , N.D.Cal. Plaintiffs Dr. Ellen Levine et al. ("Levine plaintiffs") filed this action against Mike Johanns, Secretary of the U.S.				

Treatment	Title	Date	Type	Depth	Headnote(s)
	Department of Agriculture (USDA), seeking declaratory and...				
Distinguished by	 9. Comer v. Schriro  463 F.3d 934 , 9th Cir.(Ariz.) CRIMINAL JUSTICE - Death Penalty. Due process rights of defendant in capital murder case had been violated by manner of his presentation to sentencing judge.	Sep. 13, 2006	Case		10 12 14 S.Ct.
Distinguished by	10. Biggerstaff v. F.C.C. 511 F.3d 178 , D.C.Cir. ENERGY AND UTILITIES - Telecommunications. FCC had not reopened consideration of its authority to adopt prior administrative EBR exemption.	Dec. 28, 2007	Case		—
Distinguished by	 11. Comer v. Murphy Oil USA 585 F.3d 855 , 5th Cir.(Miss.) TORTS - Parties. Landowners had Article III standing to bring nuisance, trespass and negligence claims related to greenhouse gasses.	Oct. 16, 2009	Case		4 S.Ct.
Distinguished by	12. Fraternal Order of Police Library of Congress Labor Committee v. Library of Congress  692 F.Supp.2d 9 , D.D.C. LABOR AND EMPLOYMENT - Discrimination. Precluding Library of Congress officers over age 57 from becoming Capitol Police officers did not violate equal protection.	Mar. 04, 2010	Case		2 S.Ct.
Distinguished by	 13. Hollingsworth v. Perry 133 S.Ct. 2652 , U.S. GLBT - Marriage. Proponents of Proposition 8, amending California Constitution to remove right to same-sex marriage, did not have standing to appeal district court decision...	June 26, 2013	Case		13 S.Ct.
Distinguished by	 14. Texas v. U.S. 787 F.3d 733 , 5th Cir.(Tex.) IMMIGRATION - Deportation or Removal. Preliminary injunction against deferred action for illegal aliens would not be stayed pending appeal.	May 26, 2015	Case		4 S.Ct.
Distinguished by	 15. Texas v. U.S. 809 F.3d 134 , 5th Cir.(Tex.) IMMIGRATION - Deportation or Removal. Texas was likely to succeed on APA challenge to deferred action program for illegal aliens.	Nov. 09, 2015	Case		—
Distinguished by	 16. Doe v. Piper 165 F.Supp.3d 789 , D.Minn. NATIVE AMERICANS — Child Welfare. Attorney general and commissioner of Department of Human Services were proper defendants in parents' action alleging Minnesota Indian Family...	Feb. 25, 2016	Case		4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by	17. Thomas v. Copeland 758 Fed.Appx. 377 , 6th Cir.(Tenn.) REAL PROPERTY — Zoning and Planning. Billboard owner was collaterally estopped from arguing that any agency other than local zoning agency had authority to determine zoning of his...	Dec. 12, 2018	Case		—
Distinguished by	18. Kirkpatrick v. Chappell 926 F.3d 1157 , 9th Cir.(Cal.) CRIMINAL JUSTICE — Habeas Corpus. Habeas court would presume state court's finding that petitioner validly waived state habeas exhaustion petition was correct.	June 13, 2019	Case		13 S.Ct.
Distinguished by	19. Kirkpatrick v. Chappell 950 F.3d 1118 , 9th Cir.(Cal.) CRIMINAL JUSTICE — Habeas Corpus. Habeas petitioner's handwritten letter withdrawing his state habeas exhaustion petition was insufficient to rebut state court's finding of waiver.	Feb. 13, 2020	Case		13 S.Ct.


Overruling Risk (1)

The KeyCited document has potentially been negatively impacted by the following events or decisions in other litigation or proceedings:

Treatment	Title	Date	Type	Depth	Headnote(s)
Overruling Risk	1. State v. Robbins 5 S.W.3d 51 CRIMINAL JUSTICE - Death Penalty. Supreme Court has duty to automatically review record in all death penalty cases for prejudicial errors. Overruling Franz v. State	Dec. 02, 1999	Case	—	—

History (6)




Direct History (6)


 1. [Simmons v. State](#)
298 Ark. 193 , Ark. , Mar. 10, 1989

Certiorari Granted by

2. [Whitmore v. Arkansas](#)
492 U.S. 917 , U.S.Ark. , July 03, 1989

AND Certiorari Dismissed by




  3. [Whitmore v. Arkansas](#) 
495 U.S. 149 , U.S.Ark. , Apr. 24, 1990

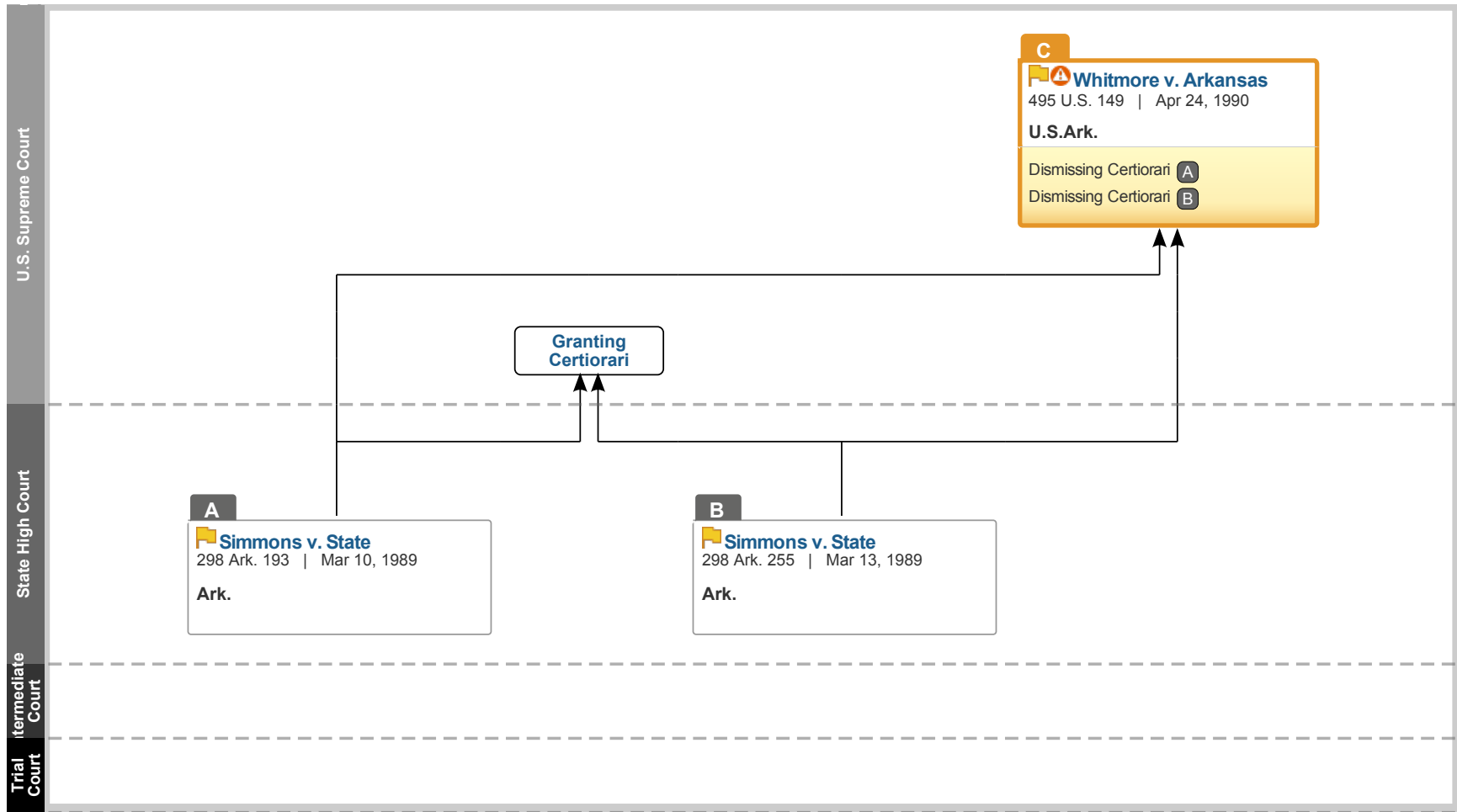
 4. [Simmons v. State](#)
298 Ark. 255 , Ark. , Mar. 13, 1989

Certiorari Granted by
















5. [Whitmore v. Arkansas](#)
492 U.S. 917 , U.S.Ark. , July 03, 1989

AND Certiorari Dismissed by













  6. [Whitmore v. Arkansas](#) 
495 U.S. 149 , U.S.Ark. , Apr. 24, 1990



Citing References (500)

Treatment	Title	Date	Type	Depth	Headnote(s)
Declined to Extend by NEGATIVE	 1. Naruto v. Slater ¶¶ 888 F.3d 418, 422+ , 9th Cir.(Cal.) COPYRIGHTS — Parties. Monkey, because it was a non-human, lacked statutory standing under Copyright Act to sue photographer for copyright infringement.	Apr. 23, 2018	Case		10 12 13 S.Ct.
Declined to Extend by NEGATIVE	2. Pettibone v. Ho-Chunk Nation Legislature ¶¶ 4 Am. Tribal Law 330, 343+ , Ho-Chunk Trial Ct. GOVERNMENT - Public Officials. Member of tribal legislature retained position of vice president when term as president pro tempore ended.	May 15, 2002	Case		6 8 14 S.Ct.
Distinguished by NEGATIVE	 3. Comer v. Schriro ¶¶ 463 F.3d 934, 945+ , 9th Cir.(Ariz.) CRIMINAL JUSTICE - Death Penalty. Due process rights of defendant in capital murder case had been violated by manner of his presentation to sentencing judge.	Sep. 13, 2006	Case		10 12 14 S.Ct.
Distinguished by NEGATIVE	 4. Vargas v. Lambert ¶¶ 159 F.3d 1161, 1166+ , 9th Cir.(Wash.) Mother and proposed “next friend” of state prisoner, whose death sentence for murder was upheld, 954 P.2d 1311, applied for stay of execution on behalf of prisoner. The United...	Oct. 11, 1998	Case		10 12 14 S.Ct.
Examined by	 5. Clapper v. Amnesty Intern. USA ¶¶ 133 S.Ct. 1138, 1141+ , U.S. CIVIL RIGHTS - Parties. Plaintiffs lacked standing to challenge FISA provision allowing surveillance of certain non-United States persons.	Feb. 26, 2013	Case		4 5 S.Ct.
Examined by	 6. Lujan v. Defenders of Wildlife ¶¶ 112 S.Ct. 2130, 2136+ , U.S.Minn. Environmental groups brought action challenging regulation of the Secretary of the Interior which required other agencies to confer with him under the Endangered Species Act only...	June 12, 1992	Case		1 2 S.Ct.
Examined by	 7. Sam M. ex rel. Elliott v. Carcieri ¶¶ 608 F.3d 77, 89+ , 1st Cir.(R.I.) FAMILY LAW - Guardians. Prior appointments of guardians ad litem in family court proceedings did not bar federal court suit by Next Friends.	June 18, 2010	Case		10 12 13 S.Ct.
Examined by	 8. In re Heidnik ¶¶ 112 F.3d 105, 108+ , 3rd Cir.(Pa.) After defendant's death sentence was affirmed on appeal, 587 A.2d 687, and while state court proceedings concerning defendant's competence to be executed, filed by attorneys...	Apr. 18, 1997	Case		10 13 14 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	9. In re Zettlemoyer ¶ 53 F.3d 24, 26+ , 3rd Cir.(Pa.) After defendant's capital murder conviction was upheld on direct appeal, 500 Pa. 16, 454 A.2d 937, and denial of his petition for postconviction relief was affirmed, 359 Pa.Super....	May 01, 1995	Case		10 12 13 S.Ct.
Examined by	10. Hamdi v. Rumsfeld ¶ 294 F.3d 598, 602+ , 4th Cir.(Va.) LITIGATION - Parties. Public defender and private citizen lacked standing to seek habeas relief for military detainee.	June 26, 2002	Case		9 10 12 S.Ct.
Examined by	11. West v. Bell ¶ 242 F.3d 338, 341+ , 6th Cir.(Tenn.) CRIMINAL JUSTICE - Death Penalty. District court could not stay execution to allow former counsel to qualify as prisoner's next friend.	Feb. 27, 2001	Case		10 12 14 S.Ct.
Examined by	12. Comer v. Schriro ¶ 480 F.3d 960, 965+ , 9th Cir.(Ariz.) CRIMINAL JUSTICE - Habeas Corpus. Death-row inmate's motion to waive further proceedings on his federal habeas petition was voluntary.	Mar. 15, 2007	Case		12 13 14 S.Ct.
Examined by	13. Dennis ex rel. Butko v. Budge ¶ 378 F.3d 880, 888+ , 9th Cir.(Nev.) CRIMINAL JUSTICE - Death Penalty. Attorney could not bring petition on behalf of death-sentenced prisoner who chose to forgo appeals.	July 30, 2004	Case		10 12 14 S.Ct.
Examined by	14. Coalition of Clergy, Lawyers, and Professors v. Bush ¶ 310 F.3d 1153, 1157+ , 9th Cir.(Cal.) CRIMINAL JUSTICE - Habeas Corpus. Coalition of professionals lacked standing to file federal habeas petition on behalf of detainees.	Nov. 18, 2002	Case		10 12 13 S.Ct.
Examined by	15. Miller ex rel. Jones v. Stewart ¶ 231 F.3d 1248, 1252+ , 9th Cir.(Ariz.) CRIMINAL JUSTICE - Habeas Corpus. Evidentiary hearing was required on competence to choose execution.	Nov. 07, 2000	Case		12 13 14 S.Ct.
Examined by	16. Brewer v. Lewis ¶ 989 F.2d 1021, 1024+ , 9th Cir.(Ariz.) Following affirmance, 170 Ariz. 486, 826 P.2d 783 of murder conviction, mother of prisoner sentenced to death filed petition for writ of habeas corpus. The United States District...	Mar. 02, 1993	Case		10 12 14 S.Ct.
Examined by	17. Fleming ex rel. Clark v. LeMaster ¶ 28 Fed.Appx. 797, 798+ , 10th Cir.(N.M.) CRIMINAL JUSTICE - Appeals. Putative next friend lacked standing to direct capital murder defendant's appeals.	Nov. 06, 2001	Case		10 12 13 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<p> 18. Sanchez-Velasco v. Secretary of Dept. of Corrections ¶¶</p> <p>287 F.3d 1015, 1025+ , 11th Cir.(Fla.)</p> <p>CRIMINAL JUSTICE - Habeas Corpus. Attorney who had no relationship with prisoner lacked standing to seek to prevent his execution.</p>	Apr. 02, 2002	Case		<p>10</p> <p>12</p> <p>14</p> <p>S.Ct.</p>
Examined by	<p> 19. Lonchar v. Zant ¶¶</p> <p>978 F.2d 637, 640+ , 11th Cir.(Ga.)</p> <p>Following affirmance of murder conviction and death sentence, 258 Ga. 447, 369 S.E.2d 749, defendant's sister petitioned for writ of habeas corpus as defendant's next friend. The...</p>	Nov. 13, 1992	Case		<p>9</p> <p>10</p> <p>12</p> <p>S.Ct.</p>
Examined by	<p>20. Tinsley v. Flanagan ¶¶</p> <p>2016 WL 8200450, *2+ , D.Ariz.</p> <p>Plaintiffs are seven children in Arizona state foster care custody seeking to remedy systemic failures in Arizona's foster care system. Because they are minors, Plaintiffs cannot...</p>	May 13, 2016	Case		<p>10</p> <p>12</p> <p>13</p> <p>S.Ct.</p>
Examined by	<p>21. Janine Angel, et al. v. Cindy Marten, et al. Additional Party Names: California Department of Education, California's Superintendent of Public Instruction, County Offices of Education, Ed.D., Newsom, Ronald C. Savage ¶¶</p> <p>2021 WL 9721324, *3+ , C.D.Cal.</p> <p>Before the Court is Plaintiffs' Petition to Appoint Dr. Ronald C. Savage, Ed.D., as Guardian ad Litem in the above-referenced civil action. ("Petition," Dkt. No. 169). On December...</p>	Dec. 29, 2021	Case		<p>10</p> <p>12</p> <p>13</p> <p>S.Ct.</p>
Examined by	<p>22. Balin ex rel. Grumbine v. Superior Court of California ¶¶</p> <p>2013 WL 141451, *1+ , C.D.Cal.</p> <p>On November 21, 2012, petitioner Melissa Balin, proceeding pro se on behalf of the People of California on behalf of Joe Grumbine, filed what appears to be a Petition for Writ of...</p>	Jan. 09, 2013	Case		<p>9</p> <p>10</p> <p>12</p> <p>S.Ct.</p>
Examined by	<p>23. Martinez v. Mitchell ¶¶</p> <p>2009 WL 381969, *1+ , E.D.Cal.</p> <p>Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner filed the instant petition for writ of habeas...</p>	Feb. 13, 2009	Case		<p>9</p> <p>10</p> <p>S.Ct.</p>
Examined by	<p>24. Galvan v. Horel ¶¶</p> <p>2007 WL 4239543, *2+ , E.D.Cal.</p> <p>Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner filed the instant petition for writ of habeas...</p>	Dec. 03, 2007	Case		<p>9</p> <p>10</p> <p>12</p> <p>S.Ct.</p>
Examined by	<p>  25. Coalition of Clergy v. Bush ¶¶</p> <p>189 F.Supp.2d 1036, 1040+ , C.D.Cal.</p> <p>INTERNATIONAL LAW - Writs. Terrorist combatants detained outside the United States were not entitled to writ of habeas corpus.</p>	Feb. 21, 2002	Case		<p>10</p> <p>12</p> <p>14</p> <p>S.Ct.</p>

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	26. Ross ex rel. Dunham v. Lantz ” 2005 WL 1124704, *1+ , D.Conn. Michael B. Ross, who has been convicted of capital felony murder and sentenced to death by the State of Connecticut (“State”), is currently an inmate at Osborn Correctional...	May 12, 2005	Case		10 12 13 S.Ct.
Examined by	27. Ross ex rel. Ross v. Reil ” 392 F.Supp.2d 224, 226+ , D.Conn. CIVIL RIGHTS - Parties. Father of defendant sentenced to death lacked standing to proceed as next friend in a § 1983 suit.	Jan. 10, 2005	Case		10 12 13 S.Ct.
Examined by	28. American Civil Liberties Union Foundation on behalf of Unnamed U.S. Citizen v. Mattis ” 286 F.Supp.3d 53, 57+ , D.D.C. CRIMINAL JUSTICE — Habeas Corpus. Advocacy group had limited next friend standing to proceed with habeas petition on behalf of enemy combatant detainee.	Dec. 23, 2017	Case		10 12 13 S.Ct.
Examined by	29. Ali Jaber v. United States 155 F.Supp.3d 70, 75+ , D.D.C. INTERNATIONAL LAW — Torture. Close family relative provided adequate explanation, as required for next friend standing, why estates could not appear to prosecute action.	Feb. 22, 2016	Case		10 11 12 S.Ct.
Examined by	30. Al-Aulaqi v. Obama ” 727 F.Supp.2d 1, 14+ , D.D.C. GOVERNMENT - Jurisdiction. Political question doctrine barred resolution of father's suit seeking to enjoin the targeted killing of his adult son.	Dec. 07, 2010	Case		9 10 12 S.Ct.
Examined by	31. Does v. Bush ” 2006 WL 3096685, *4+ , D.D.C. On February 10, 2005, [1] Petitioners' Motion for Leave to Proceed with a Petition for a Writ of Habeas Corpus Using Fictitious Names (hereinafter, "Motion to Proceed Using...	Oct. 31, 2006	Case		9 10 12 S.Ct.
Examined by	32. Amodeo v. Warden, FCC Coleman - Low ” 2019 WL 4109684, *1+ , M.D.Fla. Frank L. Amodeo, a federal inmate, is the named Petitioner in this action. However, he is not the individual who signed and filed the Petition. Rather, a fellow inmate, Donovan...	Aug. 29, 2019	Case		10 12 13 S.Ct.
Examined by	33. Schornhorst v. Anderson ” 77 F.Supp.2d 944, 950+ , S.D.Ind. CRIMINAL JUSTICE - Habeas Corpus. State court decision that death row inmate was competent did not warrant habeas relief.	Dec. 07, 1999	Case		9 10 12 S.Ct.
Examined by	34. Carson P. ex rel. Foreman v. Heineman ” 240 F.R.D. 456, 516+ , D.Neb. FAMILY LAW - Foster Care. Proposed class definition for foster children's civil rights action was ambiguous and inconsistent.	Jan. 19, 2007	Case		9 10 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	35. Taylor v. Nelson ¶ 2015 WL 3795637, *1+ , D.N.J. Michael Taylor filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on behalf of Petitioner Dennis White, an inmate allegedly confined at South Woods State...	June 18, 2015	Case		9 10 12 S.Ct.
Examined by	36. Taylor v. Nelson ¶ 2015 WL 3745188, *1+ , D.N.J. Michael Taylor filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on behalf of Petitioner James Smith, an inmate allegedly confined at South Woods State Prison...	June 12, 2015	Case		9 10 12 S.Ct.
Examined by	37. DiPietro v. Senula ¶ 2012 WL 136812, *1+ , D.N.J. Amy DiPietro filed a Petition for Writ of Habeas Corpus on behalf of her husband, Peter DiPietro, who was incarcerated at Gloucester County Jail in Woodbury, New Jersey, for...	Jan. 18, 2012	Case		9 10 12 S.Ct.
Examined by	38. Barlow v. Farber ¶ 2006 WL 842422, *2+ , D.N.J. Clinton C. Barlow filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on behalf of his nephew, Rashee Barlow, who is incarcerated at Mercer County Detention...	Mar. 29, 2006	Case		9 10 12 S.Ct.
Examined by	39. Padilla ex rel. Newman v. Bush ¶ 233 F.Supp.2d 564, 575+ , S.D.N.Y. CRIMINAL JUSTICE - Habeas Corpus. Prisoner with alleged terrorist ties could challenge his detention as "enemy combatant."	Dec. 04, 2002	Case		9 10 12 S.Ct.
Examined by	40. Bowen v. Rubin ¶ 213 F.Supp.2d 220, 227+ , E.D.N.Y. HEALTH - Mental Health. Appointment of guardians ad litem for mentally disabled plaintiffs was warranted.	Aug. 24, 2001	Case		10 12 14 S.Ct.
Examined by	41. Treesh v. Taft ¶ 122 F.Supp.2d 881, 885+ , S.D. Ohio CIVIL RIGHTS - Prisons. Action challenging prison policy regulating final statements of condemned prisoners was not moot.	Mar. 20, 2000	Case		6 8 14 S.Ct.
Examined by	42. Franklin v. Francis 997 F.Supp. 916, 923+ , S.D. Ohio After defendant's execution date was set, 80 Ohio St.3d 371, 686 N.E.2d 1097, his mother and sister filed petition for habeas corpus on his behalf and moved for stay of execution...	Feb. 27, 1998	Case		10 12 13 S.Ct.
Examined by	43. Nichols v. Nichols ¶ 2011 WL 2470135, *2+ , D.Or. In January 2011, defendant and counter-claimant MetLife Investors Insurance Company (MetLife) was dismissed with prejudice from this action. The pending motions in the case include...	June 20, 2011	Case		10 12 13 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	44. Tarapchak v. Lackawanna County 2016 WL 9738519, *3+ , M.D.Pa. A litigant seeking relief in our court's limited jurisdiction must demonstrate a personal injury-in-fact. Upon cause, we may allow a fiduciary to represent the actual party...	Mar. 24, 2016	Case		10 12 13 S.Ct.
Examined by	45. Waksmunski ex rel. Korbe v. Mitchell ¶ 2009 WL 499455, *2+ , W.D.Pa. CRIMINAL JUSTICE - Habeas Corpus. A habeas corpus petition brought by another individual on behalf of a prisoner was dismissed for lack of standing.	Feb. 27, 2009	Case		9 10 12 S.Ct.
Examined by	46. Jacob v. Herff-Jones, Inc. ¶ 2005 WL 2030449, *1+ , M.D.Pa. Before the court is Defendants' motion for summary judgment. Defendants assert that Mr. Jacob lacks standing to pursue this lawsuit because he does not qualify as the "next...	Aug. 18, 2005	Case		10 12 13 S.Ct.
Examined by	47. Michael v. Horn ¶ 2004 WL 438678, *1+ , M.D.Pa. At issue in this matter is whether death-sentenced Hubert Michael is competent and has knowingly, rationally, and voluntarily chosen to waive pursuit of a collateral challenge to...	Mar. 10, 2004	Case		8 13 14 S.Ct.
Examined by	48. White v. Horn ¶ 54 F.Supp.2d 457, 459+ , E.D.Pa. Following affirmance of defendant's conviction and death sentence, 587 A.2d 687, defendant's daughter filed petition for a writ of habeas corpus seeking stay of defendant's...	July 03, 1999	Case		10 12 13 S.Ct.
Examined by	49. Heidnik v. Horn ¶ 960 F.Supp. 74, 75+ , E.D.Pa. Daughter and former wife of state prisoner under sentence of death sought next friend standing in habeas corpus petition to preclude execution. The District Court, Van Antwerpen,...	Apr. 16, 1997	Case		10 12 14 S.Ct.
Examined by	50. AARON MILES BARE, et al., Plaintiffs, v. CARDINAL HEALTH, INC., Defendant. ¶ 2022 WL 702593, *1+ , E.D.Tenn. In response to the COVID-19 pandemic, Defendant instituted a policy requiring all salaried employees, unless exempted for religious or medical reasons, to be vaccinated to remain...	Mar. 08, 2022	Case		4 S.Ct.
Examined by	51. In re Cockrum ¶ 867 F.Supp. 494, 494+ , E.D.Tex. After habeas petitioner was found incompetent to dismiss further habeas proceedings, his appointed counsel requested to be appointed "next friend" to direct habeas proceedings on...	Aug. 25, 1994	Case		9 10 12 S.Ct.















Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	52. State v. Ross ¶ 863 A.2d 654, 666+ , Conn. CRIMINAL JUSTICE - Postconviction Relief. Public defender's office was not entitled to participate as next friend of defendant in post-conviction competency hearing.	Jan. 14, 2005	Case		10 12 14 S.Ct.
Examined by	53. State v. Bordelon ¶ 33 So.3d 842, 848+ , La. CRIMINAL JUSTICE - Death Penalty. Capital defendant possesses the right to make a knowing and intelligent waiver of his right to direct appeal.	Oct. 16, 2009	Case		6 7 14 S.Ct.
Examined by	54. Calambro By and Through Calambro v. Second Judicial Dist. Court ¶ 964 P.2d 794, 799+ , Nev. Defendant's first-degree murder convictions and death sentences were affirmed in the Supreme Court, 111 Nev. 1015, 900 P.2d 340, 114 Nev. 106, 952 P.2d 946. Defendant's mother,...	Sep. 25, 1998	Case		10 12 14 S.Ct.
Examined by	55. Com. v. Haag ¶ 809 A.2d 271, 278+ , Pa. CRIMINAL JUSTICE - Postconviction Relief. When represented by next friend and counsel, death-row inmate's incompetence was not bar to effective collateral review.	Oct. 24, 2002	Case		9 10 12 S.Ct.
Examined by	56. Com. v. White 734 A.2d 374, 376+ , Pa. CRIMINAL JUSTICE - Postconviction Relief. Defendant's daughter was not entitled to file postconviction petition on his behalf.	June 23, 1999	Case		10 12 14 S.Ct.
Examined by	57. In re Heidnik ¶ 720 A.2d 1016, 1019+ , Pa. CRIMINAL JUSTICE - Death Penalty. Application to stay execution was properly accepted, even though condemned inmate did not file it.	Aug. 19, 1998	Case		10 12 13 S.Ct.
Examined by	58. Holton v. State ¶ 201 S.W.3d 626, 631+ , Tenn. CRIMINAL JUSTICE - Postconviction Relief. Prima facie showing to file post-conviction petition as "next friend" requires evidence of inmate's present mental incompetency.	May 04, 2006	Case		10 12 14 S.Ct.
Examined by	59. State v. Dodd ¶ 838 P.2d 86, 93+ , Wash. Defendant was convicted of three aggravated murders and attempted murder and was sentenced to death in the Superior Court, Clark County, Robert L. Harris, J., and at sentencing,...	Oct. 08, 1992	Case		6 8 14 S.Ct.
Declined to Extend by NEGATIVE	60. Muthana v. Pompeo ¶ 985 F.3d 893, 901+ , D.C.Cir. IMMIGRATION — Citizenship. Former foreign diplomat's daughter, who left United States to join ISIS, and her son were not deprived of citizenship without due process.	Jan. 19, 2021	Case		10 12 13 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Declined to Extend by NEGATIVE	61. Abordo v. Dept. of Public Safety ¶ 2012 WL 5954998, *2+ , D.Hawai'i On September 7, 2012, Defendant initiated this prisoner civil rights action by filing a Notice of Removal pursuant to 28 U.S.C. § 1441(c). ECF # 1. Plaintiff Edmund M. Abordo is a...	Nov. 28, 2012	Case		9 10 11 S.Ct.
Distinguished by NEGATIVE	62. Levine v. Johanns 2006 WL 8441742, *7+ , N.D.Cal. Plaintiffs Dr. Ellen Levine et al. ("Levine plaintiffs") filed this action against Mike Johanns, Secretary of the U.S. Department of Agriculture (USDA), seeking declaratory and...	Sep. 06, 2006	Case		6 S.Ct.
Distinguished by NEGATIVE	63. Rohan ex rel. Gates v. Woodford ¶ 334 F.3d 803, 807+ , 9th Cir.(Cal.) CRIMINAL JUSTICE - Habeas Corpus. Incompetent bringing federal habeas petition in capital case was entitled to stay until found competent.	June 25, 2003	Case		9 10 12 S.Ct.
Discussed by	64. American Legion v. American Humanist Association ¶ 139 S.Ct. 2067, 2099+ , U.S. CIVIL RIGHTS — Religion. Latin cross on public land, which was erected as memorial to area soldiers who died serving in World War I, did not violate Establishment Clause.	June 20, 2019	Case		8 14 S.Ct.
Discussed by	65. Massachusetts v. E.P.A. ¶ 127 S.Ct. 1438, 1467+ , U.S. ENVIRONMENTAL LAW - Clean Air. Clean Air Act authorizes EPA to regulate greenhouse gas emissions from new motor vehicles.	Apr. 02, 2007	Case		2 4 S.Ct.
Discussed by	66. DaimlerChrysler Corp. v. Cuno ¶ 126 S.Ct. 1854, 1857+ , U.S. TAXATION - Jurisdiction. Ohio taxpayers did not have Article III standing to challenge award of state franchise tax credit to automobile manufacturer.	May 15, 2006	Case		1 13 S.Ct.
Discussed by	67. McConnell v. Federal Election Com'n ¶ 124 S.Ct. 619, 638+ , U.S.Dist.Col. GOVERNMENT - Elections. Bipartisan Campaign Reform Act of 2002 was generally upheld as constitutional.	Dec. 10, 2003	Case		2 4 S.Ct.
Discussed by	68. Hamilton v. Texas ¶ 110 S.Ct. 3262, 3263+ , U.S.Tex. Case below, Tex.Cr.App., Smith v. State, 744 S.W.2d 86.	June 26, 1990	Case		10 12 13 S.Ct.
Discussed by	69. Demosthenes v. Baal ¶ 110 S.Ct. 2223, 2224+ , U.S.Nev. Parents of state inmate under sentence of death sought habeas corpus. The United States District Court for the District of Nevada denied relief. The Court of Appeals for the...	June 03, 1990	Case		10 12 13 S.Ct.


Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	70. Rivera v. Clinton Correctional Facility ¶ 590 Fed.Appx. 93, 94+ , 2nd Cir.(N.Y.) Petitioner-appellant Nilsa Rodriguez appeals from the District Court's October 29, 2013 judgment dismissing her petition for habeas corpus relief, pursuant to 28 U.S.C. § 2254,...	Jan. 16, 2015	Case		10 11 12 S.Ct.
Discussed by	71. Amnesty Intern. USA v. Clapper ¶ 667 F.3d 163, 194+ , 2nd Cir.(N.Y.) Following disposition of this appeal on March 21, 2011, Defendants–Appellees James R. Clapper, Jr. et al. filed a petition for rehearing in banc. A poll of the active members of...	Sep. 21, 2011	Case		4 S.Ct.
Discussed by	72. Connecticut v. American Elec. Power Co., Inc. ¶ 582 F.3d 309, 340+ , 2nd Cir.(N.Y.) ENERGY AND UTILITIES - Electricity. Nuisance claims against power plants based on greenhouse gas emissions did not present non-justiciable political questions.	Sep. 21, 2009	Case		2 4 S.Ct.
Discussed by	73. In re Tamoxifen Citrate Antitrust Litigation ¶ 466 F.3d 187, 203+ , 2nd Cir.(N.Y.) ANTITRUST - Monopolies. Settlement agreement terminating patent infringement action did not violate Sherman Act.	Aug. 10, 2006	Case		6 8 14 S.Ct.
Discussed by	74. Denney v. Deutsche Bank AG ¶ 443 F.3d 253, 263+ , 2nd Cir.(N.Y.) LITIGATION - Settlements. Nonsettling defendants were unfairly prejudiced by settlement agreement's judgment credit provision.	Mar. 31, 2006	Case		1 2 S.Ct.
Discussed by	75. In re Tamoxifen Citrate Antitrust Litigation ¶ 429 F.3d 370, 387+ , 2nd Cir.(N.Y.) PATENTS - Drugs. Pharmaceutical drug patentee's settlement agreement with proposed maker of generic version did not violate antitrust laws.	Nov. 02, 2005	Case		6 8 14 S.Ct.
Discussed by	76. Ross ex rel. Dunham v. Lantz ¶ 408 F.3d 121, 123+ , 2nd Cir.(Conn.) CRIMINAL JUSTICE - Habeas Corpus. Sister of death row inmate could not assert "next friend" status, as required to bring habeas petition on inmate's behalf.	May 12, 2005	Case		10 11 13 S.Ct.
Discussed by	77. Ross ex rel. Smyth v. Lantz ¶ 396 F.3d 512, 513+ , 2nd Cir.(Conn.) CRIMINAL JUSTICE - Death Penalty. The District Court should have ruled on the defendant's competency before granting a public defender next friend standing.	Jan. 25, 2005	Case		10 12 14 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 78. Padilla v. Rumsfeld ” 352 F.3d 695, 703+ , 2nd Cir.(N.Y.) GOVERNMENT - United States. President lacked authority to detain American citizen on American soil as “enemy combatant.”	Dec. 18, 2003	Case		9 10 12 S.Ct.
Discussed by	 79. Baur v. Veneman ” 352 F.3d 625, 640+ , 2nd Cir.(N.Y.) AGRICULTURE - Animals. Citizen alleged facts establishing standing to seek ban on use of downed livestock as food for human consumption.	Dec. 16, 2003	Case		4 8 S.Ct.
Discussed by	80. Praseuth v. Werbe ” 99 F.3d 402, 402+ , 2nd Cir.(N.Y.) E.D.N.Y. AFFIRMED.	Dec. 15, 1995	Case		10 12 13 S.Ct.
Discussed by	 81. Sherwin-Williams Company v. County of Delaware, Pennsylvania ” 968 F.3d 264, 269+ , 3rd Cir.(Pa.) GOVERNMENT — Jurisdiction. Paint manufacturer lacked standing to pursue § 1983 action for declaratory and injunctive relief to bar counties' potential lawsuits related to...	July 31, 2020	Case		2 4 S.Ct.
Discussed by	 82. Kamal v. J. Crew Group, Inc. ” 918 F.3d 102, 109+ , 3rd Cir.(N.J.) COMMERCIAL LAW — Parties. Clothing retailer's alleged FACTA violation was bare procedural violation that did not create Article III standing.	Mar. 08, 2019	Case		2 3 S.Ct.
Discussed by	83. Bush v. Goodall ” 732 Fed.Appx. 135, 137+ , 3rd Cir.(Pa.) LITIGATION — Parties. Daughter had to have attorney to proceed in federal court with her “next friend” habeas petition on behalf of her incapacitated elderly mother.	Apr. 24, 2018	Case		9 10 12 S.Ct.
Discussed by	84. Patel v. Allstate New Jersey Ins. Co. 648 Fed.Appx. 258, 261+ , 3rd Cir.(N.J.) CIVIL RIGHTS - Jurisdiction. Physician lacked standing to bring action under § 1983 regarding “outsourcing” of state criminal investigations.	May 03, 2016	Case		2 4 S.Ct.
Discussed by	 85. Reilly v. Ceridian Corp. ” 664 F.3d 38, 41+ , 3rd Cir.(N.J.) E-COMMERCE - Consumer Protection. Allegations of possible future injury were insufficient to plead actual injury.	Dec. 12, 2011	Case		2 4 S.Ct.
Discussed by	86. U.S. v. Hammer ” 226 F.3d 229, 235+ , 3rd Cir.(Pa.) CRIMINAL JUSTICE - Death Penalty. Defendant who sought execution had right to waive appeal of death sentence.	Aug. 31, 2000	Case		6 7 8 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 87. Beck v. McDonald ¶ 848 F.3d 262, 271+ , 4th Cir.(S.C.) GOVERNMENT — Parties. Allegation that data breach at VA hospital created enhanced risk of future identity theft was too speculative to constitute injury-in-fact.	Feb. 06, 2017	Case		2 4 S.Ct.
Discussed by	 88. Glass v. Paxton 900 F.3d 233, 239+ , 5th Cir.(Tex.) EDUCATION — Civil Rights. State university professor lacked standing to assert claim that Texas law permitting concealed carry of handguns on campus violated First Amendment.	Aug. 16, 2018	Case		4 S.Ct.
Discussed by	89. Beavers ex rel. Lamberty v. Collins ¶ 1994 WL 16436700, *2+ , 5th Cir.(Tex.) Richard Lee Beavers is to be executed shortly after 12:00 a.m. on April 4, 1994. Lynn Lamberty, claiming next friend standing for Beavers, and appealing from the district court's...	Apr. 02, 1994	Case		10 12 13 S.Ct.
Discussed by	90. Trinity Industries, Inc. v. Martin ¶ 963 F.2d 795, 798+ , 5th Cir.(Tex.) Employer brought action seeking declaration that it had right to have representative present during employee interviews with inspector of the Occupational Safety and Health...	June 22, 1992	Case		2 3 S.Ct.
Discussed by	91. Saleh v. Barr ¶ 801 Fed.Appx. 384, 390+ , 6th Cir.(Ohio) IMMIGRATION — Parties. Children of LPR lacked standing to seek declaration that federal agents fraudulently misled their father into withdrawing application for citizenship.	Feb. 10, 2020	Case		2 4 5 S.Ct.
Discussed by	92. Cardin v. United States ¶ 947 F.3d 373, 376+ , 6th Cir.(Tenn.) CRIMINAL JUSTICE — Postconviction Relief. Sister of defendant convicted of fraud had "next friend" standing to sign and file postconviction motion to vacate on defendant's behalf.	Jan. 09, 2020	Case		9 10 11 S.Ct.
Discussed by	 93. Carter v. Bradshaw ¶ 644 F.3d 329, 335+ , 6th Cir.(Ohio) CRIMINAL JUSTICE - Habeas Corpus. Appointment of next friend to litigate incompetent prisoner's habeas petition on his behalf was not warranted.	May 26, 2011	Case		10 11 12 S.Ct.
Discussed by	94. Tate v. U.S. ¶ 72 Fed.Appx. 265, 266+ , 6th Cir.(Tenn.) CRIMINAL JUSTICE - Habeas Corpus. Prisoner's friend and mother lacked standing to seek habeas relief on behalf of prisoner.	July 08, 2003	Case		10 12 14 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 95. Franklin v. Francis ¶¶ 144 F.3d 429, 431+ , 6th Cir.(Ohio) After state inmate's execution date was set, 80 Ohio St.3d 371, 686 N.E.2d 1097, his mother and sister filed petition for habeas corpus on his behalf and moved for stay of...	May 22, 1998	Case		10 12 14 S.Ct.
Discussed by	 96. National Rifle Ass'n of America v. Magaw ¶¶ 132 F.3d 272, 295+ , 6th Cir.(Mich.) Firearm manufacturers and dealers, nonprofit gun rights organizations, and individuals who wished to possess products prohibited by Title XI of Violent Crime Control and Law...	Nov. 21, 1997	Case		1 2 3 S.Ct.
Discussed by	 97. T.W. by Enk v. Brophy ¶¶ 124 F.3d 893, 896+ , 7th Cir.(Wis.) Child abuse prevention advocate brought action as children's next friend to challenge allegedly racially based foster care placement in which one child was abused. The United...	Sep. 11, 1997	Case		10 12 S.Ct.
Discussed by	 98. O'Rourke v. Endell ¶¶ 153 F.3d 560, 567+ , 8th Cir.(Ark.) Following affirmance of petitioner's Arkansas Circuit Court conviction for the murder of his parents and his sentence of death, 746 S.W.2d 52, determination by Arkansas Supreme...	July 28, 1998	Case		13 14 S.Ct.
Discussed by	99. Johnson v. State of Mo. ¶¶ 142 F.3d 1087, 1089+ , 8th Cir.(Mo.) State prisoners brought actions challenging Missouri statute providing for sanctions if inmate files frivolous claim with court. The United States District Court for the Eastern...	Apr. 24, 1998	Case		1 2 4 S.Ct.
Discussed by	 100. Center for Biological Diversity v. Bernhardt ¶¶ 946 F.3d 553, 560+ , 9th Cir.(Alaska) LITIGATION — Jurisdiction. Congressional Review Act's (CRA) jurisdiction-stripping provision precluded judicial review of conservation organization's statutory claim.	Dec. 30, 2019	Case		4 S.Ct.
Discussed by	 101. Schmier v. U.S. Court of Appeals for Ninth Circuit ¶¶ 279 F.3d 817, 821+ , 9th Cir.(Cal.) LITIGATION - Parties. Attorney lacked standing to challenge rules prohibiting citation to unpublished opinions.	Feb. 01, 2002	Case		1 2 3 S.Ct.
Discussed by	102. Massie ex rel. Kroll v. Woodford 244 F.3d 1192, 1194+ , 9th Cir.(Cal.) CRIMINAL JUSTICE - Habeas Corpus. Journalist seeking to intervene as "next friend" did not show that petitioner was incompetent.	Mar. 25, 2001	Case		10 11 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 103. Calderon v. U.S. Dist. Court for Cent. Dist. of Cal. ¶¶ 127 F.3d 782, 784+ , 9th Cir.(Cal.) After the United States District Court for the Central District of California denied state's motion to dismiss state inmate's pre-habeas petition proceedings, state sought writ of...	Sep. 18, 1997	Case		9 10 12 S.Ct.
Discussed by	104. Brewer v. Lewis ¶¶ 997 F.2d 550, 553+ , 9th Cir. Prior Report: 989 F.2d 1021.	June 22, 1993	Case		11 12 13 S.Ct.
Discussed by	105. Sutton v. Doe 1 ¶¶ 736 Fed.Appx. 212, 213+ , 10th Cir.(Colo.) Joshua Sutton appeals the district court's dismissal of his action for lack of standing. Exercising jurisdiction under 28 U.S.C. § 1291, we affirm. Sutton alleges that staff at the...	Aug. 31, 2018	Case		1 2 S.Ct.
Discussed by	106. Jiron ex rel. Jiron v. Rio Grande County 599 Fed.Appx. 339, 340+ , 10th Cir.(Colo.) Michael Jiron filed a 28 U.S.C. § 2254 habeas corpus petition in federal district court on behalf of his daughter, Christina Jiron. See 28 U.S.C. § 2242 ("Application for a writ...	Apr. 01, 2015	Case		12 S.Ct.
Discussed by	 107. Tandy v. City of Wichita 380 F.3d 1277, 1283+ , 10th Cir.(Kan.) CIVIL RIGHTS - Parties. Disabled bus passenger had tester standing to seek prospective relief against city bus system under ADA.	Aug. 25, 2004	Case		1 S.Ct.
Discussed by	 108. Williams v. Boone ¶¶ 166 F.3d 1223, 1223+ , 10th Cir.(Okla.) After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed....	Jan. 28, 1999	Case		9 10 12 S.Ct.
Discussed by	109. Harris v. Buckhorn ¶¶ 545 Fed.Appx. 862, 863+ , 11th Cir.(Fla.) CIVIL RIGHTS - Parties. Pro se pretrial detainee lacked standing to bring § 1983 action as next friend, on behalf of his father.	Nov. 05, 2013	Case		10 11 13 S.Ct.
Discussed by	110. Francis v. Warden, FCC Coleman-USP ¶¶ 246 Fed.Appx. 621, 622+ , 11th Cir.(Fla.) CRIMINAL JUSTICE - Habeas Corpus. Inmate's wife lacked standing to file a habeas petition as "next friend."	Aug. 28, 2007	Case		10 11 12 S.Ct.
Discussed by	 111. Ford v. Haley 195 F.3d 603, 605+ , 11th Cir.(Ala.) After his murder convictions and death sentence were affirmed on direct appeal, 515 So.2d 48, and postconviction relief was denied, 630 So.2d 113, petitioner sought federal habeas...	Nov. 08, 1999	Case		9 10 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 112. Bismullah v. Gates ¶ 501 F.3d 178, 190+ , D.C.Cir. INTERNATIONAL LAW - Enemy Combatants. Counsel for Guantanamo detainees would be entitled to certain classified information for purposes of review proceedings.	July 20, 2007	Case		9 10 12 S.Ct.
Discussed by	 113. Public Citizen, Inc. v. National Highway Traffic Safety Admin. ¶ 489 F.3d 1279, 1292+ , D.C.Cir. TRANSPORTATION - Motor Vehicles. Tiremakers and trade association lacked standing to challenge federal safety standard for tire pressure monitoring systems.	June 15, 2007	Case		2 4 S.Ct.
Discussed by	 114. Al Odah v. U.S. ¶ 321 F.3d 1134, 1137+ , D.C.Cir. CIVIL RIGHTS - Aliens. Aliens detained at Guantanamo Bay Naval Base could not seek habeas relief.	Mar. 11, 2003	Case		9 10 12 S.Ct.
Discussed by	 115. Animal Legal Defense Fund, Inc. v. Glickman ¶ 154 F.3d 426, 446+ , D.C.Cir. Animal welfare group and individual plaintiffs brought action against, inter alia, United States Department of Agriculture (USDA), challenging its regulations concerning treatment...	Sep. 01, 1998	Case		2 8 S.Ct.
Discussed by	 116. Animal Legal Defense Fund, Inc. v. Espy 23 F.3d 496, 500+ , D.C.Cir. Animal welfare groups and two individuals brought suit challenging regulation promulgated by Department of Agriculture that failed to include birds, rats, and mice as "animals"...	May 20, 1994	Case		2 4 S.Ct.
Discussed by	 117. Taylor v. Fred's, Inc. ¶ 285 F.Supp.3d 1247, 1265+ , N.D.Ala. COMMERCIAL LAW — Parties. Consumer failed to establish injury-in-fact and, thus, did not have standing to bring action under Fair and Accurate Credit Transactions Act (FACTA).	Feb. 02, 2018	Case		2 4 S.Ct.
Discussed by	118. Porch v. Campbell ¶ 2007 WL 1381621, *3+ , S.D.Ala. After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Recommendation of the Magistrate...	May 09, 2007	Case		9 10 12 S.Ct.
Discussed by	 119. Made in the USA Foundation v. U.S. ¶ 56 F.Supp.2d 1226, 1230+ , N.D.Ala. Voters and union plaintiffs brought action challenging the constitutionality of North American Free Trade Agreement (NAFTA) and NAFTA Implementation Act. Upon defendant's motion to...	July 23, 1999	Case		6 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	120. Simon v. World Omni Leasing, Inc. ¶ 1992 WL 12659375, *2+ , S.D.Ala. This matter is before the Court on the "Defendant's Motion for Partial Judgment on the Pleadings" [Doc. # 29], filed April 27, 1992. Each side has thoroughly briefed the issues. ...	July 13, 1992	Case		1 2 3 S.Ct.
Discussed by	121. Mihaylo v. Russell-Jenkins ¶ 2019 WL 11461383, *2+ , D.Ariz. On January 11, 2018, James Joseph Knochel filed, as "next friend" of Petitioner Emily Noelle Mihaylo, a pro se Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, paid...	May 07, 2019	Case		9 10 11 S.Ct.
Discussed by	122. Brollini v. Doe ¶ 2009 WL 10708737, *3+ , D.Ariz. On June 17, 2009, this cause of action was removed from the Pima County Superior Court, Case Number C20093909 [Doc. #1]. On July 2, 2009, Plaintiff Van Brollini filed his Motion...	Dec. 18, 2009	Case		2 3 S.Ct.
Discussed by	123. Wilson v. Kelley ¶ 2019 WL 1903401, *1+ , E.D.Ark. Pending before the Court is a document filed on behalf of Petitioner Deterrius Lamont Wilson ("Mr. Wilson"), who is currently incarcerated in the Grimes Unit of the Arkansas...	Apr. 29, 2019	Case		10 11 12 S.Ct.
Discussed by	124. Jordan v. U.S. ¶ 2010 WL 545919, *1+ , E.D.Ark. Petitioner, John Earl Jordan, Jr., filed a habeas petition pursuant to 28 U.S.C. § 2241 on July 16, 2009 (Doc. No. 1). In his petition, Mr. Jordan raised two arguments: (1) the...	Feb. 08, 2010	Case		9 10 12 S.Ct.
Discussed by	125. Tyrell v. United States ¶ 2020 WL 6872878, *1+ , S.D.Cal. Plaintiff Ricardo Orintis Tyrell, while detained at the Metropolitan Correctional Center in San Diego, California , and with the assistance of his "next friend" Monroe Jones,...	Nov. 23, 2020	Case		10 11 12 S.Ct.
Discussed by	126. Bryant v. Central Intelligence Agency ¶ 2020 WL 606757, *3+ , C.D.Cal. On February 4, 2020, a putative 28 U.S.C. § 2241 habeas petition was filed in this District [Dkt. 1, "Petition"]. The Petition was filed by Frederick Banks, a convicted criminal...	Feb. 07, 2020	Case		10 12 S.Ct.
Discussed by	127. United States v. Shatswell ¶ 2020 WL 529196, *1+ , E.D.Cal. Movant, a federal prisoner currently incarcerated at the Santa Rita Jail, filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. This matter was...	Feb. 03, 2020	Case		9 12 13 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	128. 5 Women in Oakland California House v. Wedgwood Property Co. ¶¶ 2020 WL 472922, *3+ , C.D.Cal. On January 22, 2020, a putative 28 U.S.C. § 2241 habeas petition was filed in this District [Dkt. 1, "Petition"]. The Petition was filed by Frederick Banks, a convicted criminal...	Jan. 29, 2020	Case		10 12 S.Ct.
Discussed by	129. Abdul-Ali ex rel. Stevenson v. California ¶¶ 2019 WL 7284942, *3+ , C.D.Cal. On December 19, 2019, a "Petition for Writ of Habeas Corpus by Person Committed to State Hospital" ("Petition") was filed. The Petition's pleading caption states: "Dhulkifl..."	Dec. 27, 2019	Case		9 10 12 S.Ct.
Discussed by	130. Women in Mexico City & Mexico v. Central Intelligence Agency ¶¶ 2019 WL 6878008, *3+ , C.D.Cal. On December 11, 2019, a putative 28 U.S.C. § 2241 habeas petition was filed in this District [Dkt. 1, "Petition"]. The Petition was filed by Frederick Banks, a convicted criminal...	Dec. 17, 2019	Case		10 12 S.Ct.
Discussed by	131. N.B. v. Barr ¶¶ 2019 WL 4849175, *6+ , S.D.Cal. Presently before the Court is Petitioner N.B.'s Verified Petition for Writ of Habeas Corpus ("Pet.," ECF No. 1). Also before the Court are the Return to the Petition ("Ret.," ECF...	Oct. 01, 2019	Case		10 12 13 S.Ct.
Discussed by	132. Ring v. Price ¶¶ 2019 WL 8223585, *2+ , E.D.Cal. Petitioner Andrew Arlington Ring is a state civil detainee proceeding pro se with a petition for writ of habeas corpus. Given that the instant petition challenges conditions of...	Sep. 09, 2019	Case		10 11 12 S.Ct.
Discussed by	133. Russo v. Sherman ¶¶ 2019 WL 13076306, *1+ , C.D.Cal. On July 3, 2019, the Court received Petitioner Vincent Floyd Russo's ("Russo") "Motion to Certify Next Friend Status to Receive Case Correspondence and Records and Certify..."	July 26, 2019	Case		9 11 12 S.Ct.
Discussed by	134. In re Qualcomm Antitrust Litigation ¶¶ 2018 WL 4110498, *10+ , N.D.Cal. Plaintiffs Sarah Key, Terese Russell, Carra Abernathy, Leonidas Miras, and James Clark (collectively, "Plaintiffs") bring a putative class action against Defendant Qualcomm...	Aug. 29, 2018	Case		4 5 S.Ct.
Discussed by	135. Negrete on behalf of Negrete v. Unknown ¶¶ 2018 WL 2011037, *1+ , S.D.Cal. Liliana Negrete, proceeding pro se, has filed a petition for writ of habeas corpus on behalf of Edward Carlos Negrete. Petitioner has not paid the \$5.00 filing fee and has not...	Apr. 30, 2018	Case		10 11 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	136. Archie v. Pop Warner Little Scholars, Inc. ¶ 2017 WL 11628813, *7+ , C.D.Cal. Before the Court are Defendants Pop Warner Little Scholars and National Operating Committee on Standards Athletic Equipment's motions to dismiss Kimberly Archie, et al's Second...	Oct. 20, 2017	Case		2 4 S.Ct.
Discussed by	137. Archie v. Pop Warner Little Scholars, Inc. ¶ 2017 WL 3084160, *11+ , C.D.Cal. Before the Court are Defendants Pop Warner Little Scholars, Inc., USA Football, and National Operating Committee on Standards for Athletic Equipment's motions to dismiss Plaintiffs...	May 12, 2017	Case		2 4 S.Ct.
Discussed by	138. Baker v. San Diego County Health and Human Services ¶ 2016 WL 4276040, *3+ , S.D.Cal. Lechaun Dwyane Baker ("Petitioner") is a federal inmate serving a nine-year sentence for importation of narcotics. (Doc. No. 7, Ex. C.) On August 3, 2015, Petitioner filed a...	Apr. 11, 2016	Case		9 10 12 S.Ct.
Discussed by	139. Jurgens v. Dudendorf ¶ 2015 WL 4910536, *2+ , E.D.Cal. This matter is before the court on defendant Officer Duryee's motion to dismiss for failure to state a claim and for lack of standing. Defs.' Mot., ECF No. 9. Officer Duryee is...	Aug. 17, 2015	Case		10 12 S.Ct.
Discussed by	140. Mehr v. Federation Internationale de Football Association ¶ 115 F.Supp.3d 1035, 1057+ , N.D.Cal. TORTS — Negligence. Specific personal jurisdiction could not be exercised over FIFA in soccer players' class action arising from lack of concussion management protocols.	July 16, 2015	Case		2 3 4 S.Ct.
Discussed by	141. Saldana v. Spearman ¶ 2014 WL 4761596, *1+ , N.D.Cal. Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, raising three claims. In an Order dated August 12, 2013, the Court...	Sep. 24, 2014	Case		9 10 11 S.Ct.
Discussed by	142. Gomez v. J. MacDonald ¶ 2014 WL 4059938, *4+ , C.D.Cal. Proceeding pro se, California state prisoner Miguel Angel Gomez ("petitioner") brought this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The undersigned...	Aug. 14, 2014	Case		10 12 S.Ct.
Discussed by	143. O'Con v. Katavich ¶ 2014 WL 1844031, *4+ , E.D.Cal. Plaintiff Tina L. O'Con ("Plaintiff") filed a complaint in forma pauperis in the U.S. District Court for the Central District of California asserting several claims against...	May 08, 2014	Case		9 10 11 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	144. I.B. by and through Fife v. Facebook, Inc. 2013 WL 6734239, *2+ , N.D.Cal. Defendant Facebook, Inc. moves to dismiss the Third Amended Complaint (3AC). Plaintiffs I.B., by and through his guardian ad litem Bryan Fife, Glynnis Bohannon, J.W., by and...	Dec. 20, 2013	Case		2 S.Ct.
Discussed by	145. Fredianelli v. San Diego County Sheriff's Dept. ¶¶ 2013 WL 5564665, *1+ , S.D.Cal. Anthony Fedianelli has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 as "next friend" on behalf of his spouse, Kristi Rae Fredianelli, a pretrial...	Oct. 07, 2013	Case		9 10 11 S.Ct.
Discussed by	146. Hoang Minh Tran v. Gore ¶¶ 2013 WL 1625418, *5+ , S.D.Cal. Currently before the Court is Plaintiff's Motion for a Competency Hearing (ECF No. 178) and Ex Parte Motion to Appoint Next Friend or Appoint Counsel Due to Incompetence. (ECF No....	Apr. 15, 2013	Case		10 11 12 S.Ct.
Discussed by	147. Hoang Minh Tran v. Gore ¶¶ 2013 WL 878771, *7+ , S.D.Cal. Currently before the Court is Plaintiff's November 8, 2012 "Motion For Entitlement of Americans Disability Act (ADA) Reasonable Accommodation Under Rehabilitation Act Title II...	Mar. 08, 2013	Case		10 12 S.Ct.
Discussed by	148. Hoang Minh Tran v. Gore ¶¶ 2013 WL 692089, *3+ , S.D.Cal. Pending before the Court is Plaintiff Hoang Minh Tran's ("Plaintiff") "Motion Requested Competency Hearing Based on Plaintiff's Mental & Physical Disability Pursuant to...	Feb. 25, 2013	Case		10 11 12 S.Ct.
Discussed by	149. Cashman ex rel. B.W. v. Hudgeons ¶¶ 2012 WL 1657586, *2+ , E.D.Cal. This matter is before the court upon petitioner Daniel P. Cashman's ("petitioner") motion for reconsideration of this court's January 19, 2012 order adopting findings and...	May 10, 2012	Case		9 10 11 S.Ct.
Discussed by	150. Service Employees International Union, Local 721 v. County of Riverside ¶¶ 2011 WL 1599610, *7+ , C.D.Cal. Before the Court is a Motion for Summary Judgment ("Plaintiff's Motion") filed by Plaintiff Service Employees International Union, Local 721 ("Plaintiff" or "SEIU") and a...	Apr. 27, 2011	Case		2 3 4 S.Ct.
Discussed by	151. Mitchell v. Yates ¶¶ 2011 WL 486568, *1+ , C.D.Cal. On November 8, 2010, a habeas petition, brought pursuant to 28 U.S.C. § 2254, was filed in this Court ("Petition"). Although the Petition purports to be filed on behalf of Sean...	Jan. 27, 2011	Case		10 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	152. Robins v. Spokeo, Inc. 2011 WL 597867, *1+ , C.D.Cal. Raymond Neal Deputy Clerk Currently before this Court is Defendant, Spokeo, Inc.'s ("Defendant"), Motion to Dismiss Plaintiff Thomas Robin's ("Plaintiff") Complaint pursuant to...	Jan. 27, 2011	Case		4 S.Ct.
Discussed by	153. Cashman v. Hudgeons 2011 WL 98827, *2+ , E.D.Cal. Petitioner proceeds with counsel, and seeks a writ of habeas corpus on behalf of his son, B.W., as "next friend." See 28 U.S.C. § 2254. Petitioner challenges his son's July 14,...	Jan. 12, 2011	Case		9 10 12 S.Ct.
Discussed by	154. Coalition for a Sustainable Delta v. F.E.M.A. ¶ 711 F.Supp.2d 1152, 1158+ , E.D.Cal. ENVIRONMENTAL LAW - Endangered Species. Causation and redressability were satisfied in action against FEMA in its administration of NFIP for lack of ESA consultation.	May 10, 2010	Case		2 3 S.Ct.
Discussed by	155. Lopez v. Brown ¶ 2009 WL 2502133, *1+ , N.D.Cal. Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent filed a motion to dismiss the petition for...	Aug. 14, 2009	Case		9 10 12 S.Ct.
Discussed by	156. Weeks-Katona v. Drew ¶ 2009 WL 1035240, *1+ , N.D.Cal. On April 1, 2009, petitioner, a federal prisoner proceeding pro se, filed the above-titled petition for a writ of habeas corpus under 28 U.S.C. § 2241. According to the allegations...	Apr. 17, 2009	Case		9 10 S.Ct.
Discussed by	157. Bell v. U.S. ¶ 2008 WL 4630328, *1+ , E.D.Cal. Petitioner, a federal prisoner currently incarcerated at the United State Penitentiary in Tucson, Arizona, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. §...	Oct. 17, 2008	Case		10 11 S.Ct.
Discussed by	158. Woodruff v. Mukasey ¶ 2008 WL 4450325, *1+ , N.D.Cal. Petitioner Ray H Woodruff, Sr, has filed a pro se petition for a writ of habeas corpus under 28 USC § 2241 on behalf of his son Kevin Paul Woodruff, a federal prisoner convicted in...	Sep. 30, 2008	Case		9 10 12 S.Ct.
Discussed by	159. Bell v. U.S. ¶ 2008 WL 794993, *1+ , N.D.Cal. Petitioner, a federal prisoner currently incarcerated at the United States Penitentiary in Tucson, Arizona, has filed a pro se petition for a writ of habeas corpus under 28 USC §...	Mar. 25, 2008	Case		9 10 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	160. Such v. Yates ¶ 2008 WL 590468, *1+ , N.D.Cal. This habeas action is now before the court for consideration of the unopposed application of Richard Such to proceed as petitioner's next friend and respondent's unopposed motion...	Feb. 28, 2008	Case		9 10 12 S.Ct.
Discussed by	161. Colwell v. U.S. Department of Health and Human Services ¶ 2005 WL 8162379, *4+ , S.D.Cal. On August 30, 2004 Plaintiffs filed a Complaint seeking declaratory and injunctive relief as to a Department of Health and Human Services ("HHS") guidance document entitled...	Mar. 07, 2005	Case		2 3 S.Ct.
Discussed by	162. Harper by and through Harper v. Poway Unified School District ¶ 2005 WL 8173082, *4+ , S.D.Cal. Now before the Court is defendants' motion to dismiss plaintiffs' first amended complaint. After a careful consideration of the pleadings presented by the parties, and for the...	Feb. 23, 2005	Case		2 4 S.Ct.
Discussed by	163. Smith v. Mitchell 2004 WL 7338580, *1+ , C.D.Cal. Petitioner filed a Petition for Writ of Habeas Corpus on August 17, 2004. She then filed a First Amended Petition on August 25, 2004. Petitioner is housed in the Valley State...	Dec. 01, 2004	Case		9 10 12 S.Ct.
Discussed by	164. Bivens v. Poole ¶ 2003 WL 27386181, *2+ , S.D.Cal. On December 5, 2002, Sherita Bivens, a state prisoner attempting to proceed by and through her next friend Webster Bivens, submitted an "Application for Writ of Habeas Corpus Ad...	July 15, 2003	Case		9 10 12 S.Ct.
Discussed by	165. Ward v. Ortega ¶ 2003 WL 27382360, *1+ , C.D.Cal. Attorney Paul R. Ward, as "next friend of Crystal M., a minor, filed a "Petition for Writ of Habeas Corpus by a Person in State Custody" ("Petition"), pursuant to 28 U.S.C. § 2254...	Jan. 23, 2003	Case		10 11 12 S.Ct.
Discussed by	166. Matter of Extradition of Lang ¶ 905 F.Supp. 1385, 1396+ , C.D.Cal. Defendant in extradition proceeding sought a stay of extradition pending appeal in Lobue v. Christopher, release on bail pending resolution of Lobue, and petitioned for collateral...	Nov. 20, 1995	Case		6 7 14 S.Ct.
Discussed by	167. Davis v. City and County of San Francisco ¶ 1991 WL 538816, *2+ , N.D.Cal. Plaintiffs, seven non-minority teachers, bring this civil rights action against defendants, the City and County of San Francisco, the San Francisco Unified School District (the...	Sep. 11, 1991	Case		2 3 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 168. Cooper v. US Dominion, Inc. ¶¶ 2022 WL 4386002, *7+ , D.Colo. This matter is before the Court on Dominion's Motion to Dismiss the First Amended Class Action Complaint [Docket No. 40] and Hamilton Place Strategies, LLC's Motion to Dismiss the...	Sep. 22, 2022	Case		4 S.Ct.
Discussed by	169. Advanced Exteriors, Inc. v. United Services Automobile Association 2022 WL 3716508, *3+ , D.Colo. Plaintiff Advanced Exteriors, Inc. sues Defendants United Services Automobile Association, USAA Casualty Insurance Company, USAA General Indemnity Company, and Garrison Property...	Aug. 29, 2022	Case		4 S.Ct.
Discussed by	170. Advanced Exteriors, Inc. v. Liberty Mutual Group, Inc. 2022 WL 3716509, *3+ , D.Colo. Plaintiff Advanced Exteriors, Inc. sues Defendants Liberty Mutual Group, Inc., Liberty Mutual Holding Company, Inc., Liberty Mutual Insurance Company, Liberty Mutual Personal...	Aug. 29, 2022	Case		—
Discussed by	171. RTP Roofing Co. v. State Farm Fire and Casualty Company 2022 WL 2064931, *3+ , D.Colo. Plaintiff RTP Roofing Co. ("RTP" or "Plaintiff") sues Defendant State Farm Fire and Casualty Company ("State Farm" or "Defendant") for unreasonable delay or denial of insurance...	June 08, 2022	Case		—
Discussed by	172. Franklin v. Department of Homeland Security 2019 WL 2183411, *2+ , D.Colo. This matter comes before the Court on the [amended] Application of a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 15). Applicant, Frederick Banks, purports to...	May 20, 2019	Case		9 10 12 S.Ct.
Discussed by	173. Sutton v. Doe ¶¶ 2018 WL 10322065, *1+ , D.Colo. Plaintiff, Joshua Lamont Sutton, is in the custody of the Colorado Department of Corrections at the Trinidad Correctional Facility in Model, Colorado. Mr. Sutton initiated this...	Apr. 13, 2018	Case		1 10 12 S.Ct.
Discussed by	174. WildEarth Guardians v. Colorado Springs Utilities Board ¶¶ 2018 WL 317469, *4+ , D.Colo. This matter is before the Court on the parties' competing motions for summary judgment: 1. Defendants Colorado Springs Utilities Board, Colorado Springs Utilities, and the City of...	Jan. 08, 2018	Case		1 S.Ct.
Discussed by	175. Jiron v. Swift ¶¶ 2016 WL 8668503, *2+ , D.Colo. Applicant, Christina C. Jiron, through her next friend and father, Michael Jiron, initiated this action by filing a Petition for Habeas Corpus for Cause (ECF No. 1). Ms. Jiron is a...	Aug. 31, 2016	Case		10 11 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	176. Jiron v. Rio Grande County ¶ 2014 WL 11269943, *1+ , D.Colo. Applicant, Christina Jiron, through her next friend and father, Michael Jiron, initiated this action by filing a document (ECF No. 1) in which she challenged the validity of her...	Sep. 17, 2014	Case		10 11 12 S.Ct.
Discussed by	177. Francis v. Pellegrino ¶ 2004 WL 1774681, *3+ , D.Conn. The Plaintiff, Ernest Francis, an inmate confined at the MacDougall–Walker Correctional Institution in Suffield, Connecticut, brings this action pro se and in forma pauperis...	Aug. 04, 2004	Case		2 3 S.Ct.
Discussed by	178. United States v. All Assets Held at Bank Julius Baer & Company, Ltd., Guernsey Branch ¶ 2021 WL 4060353, *15+ , D.D.C. This matter is before the Court on the motion [Dkt. No. 1256] of the United States to strike the claims of Ekaterina Lazarenko and Lecia Lazarenko to the Balford Trust assets. Upon...	Sep. 07, 2021	Case		10 12 13 S.Ct.
Discussed by	179. Wheaton College v. Sebelius 887 F.Supp.2d 102, 107+ , D.D.C. EDUCATION - Labor and Employment. Christian college lacked standing to challenge regulations issued pursuant to Patient Protection and Affordable Care Act.	Aug. 24, 2012	Case		4 S.Ct.
Discussed by	180. Center for Biological Diversity v. U.S. E.P.A. 274 F.R.D. 305, 309+ , D.D.C. ENVIRONMENTAL LAW - Parties. Organizations failed to establish injury-in-fact element of standing required to intervene as of right in action against EPA.	Apr. 11, 2011	Case		4 S.Ct.
Discussed by	181. Jamal Adeen v. Obama ¶ 2009 WL 3416195, *2+ , D.D.C. Before the Court is [109] respondents' motion to dismiss. For the reasons set forth below, the Court grants respondents' motion. This case began on December 13, 2006, with a habeas...	Oct. 21, 2009	Case		10 12 S.Ct.
Discussed by	182. Association of American Physicians and Surgeons, Inc. v. U.S. Dept. of Health and Human Services ¶ 2006 WL 2882707, *7+ , D.D.C. The Association of American Physicians and Surgeons, Inc. ("the Association") has sued the United States Department of Health and Human Services ("HHS" or "the Department")...	Oct. 06, 2006	Case		2 4 S.Ct.
Discussed by	183. Adem v. Bush ¶ 425 F.Supp.2d 7, 11+ , D.D.C. GOVERNMENT - United States. Evidence of authority of counsel to represent Guantanamo detainee was not prerequisite to meeting with detainee.	Mar. 21, 2006	Case		9 10 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	184. Bestor v. C.I.A. ¶ 2005 WL 486148, *1+ , D.D.C. Plaintiff filed the complaint in this action on November 23, 2004, seeking an order to compel the defendant to produce files related to himself and various other individuals, which...	Mar. 02, 2005	Case		10 12 14 S.Ct.
Discussed by	185. Saunders v. White ¶ 191 F.Supp.2d 95, 100+ , D.D.C. MILITARY LAW - Personnel. Army's promotion selection procedures facially violated the Fifth Amendment.	Mar. 04, 2002	Case		1 8 S.Ct.
Discussed by	186. U.S. House of Representatives v. U.S. Dept. of Commerce ¶ 11 F.Supp.2d 76, 83+ , D.D.C. House of Representatives filed a suit for declaratory and injunctive relief against the Commerce Department and the Census Bureau, challenging their plan to use statistical...	Aug. 24, 1998	Case		2 10 S.Ct.
Discussed by	187. Jackson By and Through Winter v. Attorney General of Delaware ¶ 2018 WL 4441464, *1+ , D.Del. Presently pending before the Court is a Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 filed by Petitioner-Next Friend Hermione K.I. Winter on behalf of...	Sep. 17, 2018	Case		10 12 S.Ct.
Discussed by	188. Beers ex rel. Beers v. Keeton ¶ 2010 WL 3913119, *1+ , D.Del. Presently before the court is a petition for an emergency writ of habeas corpus ("petition") filed by petitioner-relator/next friend Byron Melvin Beers, ("Byron"), on behalf of...	Sep. 28, 2010	Case		10 12 14 S.Ct.
Discussed by	189. James v. Owen ¶ 2009 WL 2448477, *2+ , D.Del. Petitioner Relator Queen James, ("Queen James"), filed a Petition for Emergency Writ of Habeas Corpus ("Petition") on behalf of William Ivery James, ("Petitioner"), an inmate...	Aug. 07, 2009	Case		10 12 13 S.Ct.
Discussed by	190. Barnes v. U.S. ¶ 2009 WL 1927484, *2+ , D.Del. Presently before the Court is a "Petition For Emergency Writ Of Habeas Corpus" ("Petition") filed by Lillie Rose Harris, "Next Friend/Petitioner's Relator" ("Harris"), on behalf of...	July 01, 2009	Case		10 11 12 S.Ct.
Discussed by	191. Harris v. Grayer ¶ 2009 WL 1409972, *1+ , D.Del. Petitioner Julius Rozell Barnes' "Petition For Emergency Writ Of Habeas Corpus" ("Petition"), filed by "Petitioner Relator" Lillie Rose Harris, will be DENIED. Pursuant to Rule 4...	May 18, 2009	Case		9 10 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	192. N.A.I.F. Inc. v. Snyder ¶¶ 2005 WL 825839, *4+ , D.Del. Pending before the Court is the Motion For Summary Judgment (D.I.14) filed by State Defendants. Because the Court concludes that "next friends" Hackett and NAIF lack standing to...	Mar. 30, 2005	Case		10 12 13 S.Ct.
Discussed by	193. American Federation of Government Employees Local 501 v. Biden 576 F.Supp.3d 1155, 1164+ , S.D.Fla. LABOR AND EMPLOYMENT — Public Employment. Federal-employee unions failed to allege injury in fact, as required to establish Article III standing to challenge COVID-19 vaccination...	Dec. 22, 2021	Case		4 S.Ct.
Discussed by	194. Williams v. Billy ¶¶ 2019 WL 2516590, *2+ , S.D.Fla. This cause is before court sua sponte after it became apparent that the named Plaintiff has not been the party filing pleadings and motions. The initial complaint was filed on...	June 03, 2019	Case		10 11 12 S.Ct.
Discussed by	195. Amador v. Florida ¶¶ 2019 WL 2744557, *1+ , S.D.Fla. Craig Manahan has filed this pro se emergency petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2241 on behalf of Petitioner, Randy Amador, challenging the...	May 28, 2019	Case		10 11 12 S.Ct.
Discussed by	196. Amodeo v. Warden, FCC Coleman - Low ¶¶ 2018 WL 8809588, *1+ , M.D.Fla. Pierre Rausini initiated this action as a "next friend" to Frank Amodeo and pursuant to 28 U.S.C. § 2241. (Doc. 1). Mr. Rausini subsequently filed an Amended Petition on the...	July 06, 2018	Case		10 11 12 S.Ct.
Discussed by	197. Gullett v. Coil ¶¶ 2017 WL 6803455, *1+ , N.D.Fla. Before the court is a petition for writ of habeas corpus under 28 U.S.C. § 2241, filed by Taquan Gullett on behalf of his mother Syteria Hephzibah. (Doc. 1). The matter is referred...	Dec. 08, 2017	Case		1 10 11 S.Ct.
Discussed by	198. Laresca v. Florida Attorney General ¶¶ 2016 WL 11717569, *1+ , M.D.Fla. This matter comes before the Court upon review of the file, including: (1) Nancy Amieva's Motion for Next Friend Status (Doc. #6) and attached affidavit from Nicholas Laresca (Doc....	Sep. 19, 2016	Case		10 12 13 S.Ct.
Discussed by	199. Movimiento Democracia, Inc. v. Johnson ¶¶ 193 F.Supp.3d 1353, 1366+ , S.D.Fla. IMMIGRATION — Asylum. Coast Guard's determination that abandoned lighthouse where Cuban migrants took sanctuary was not dry land was within range of reasonable choices.	June 28, 2016	Case		9 10 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	200. Morales v. Sheldon ¶ 2009 WL 1035513, *1+ , M.D.Fla. This matter comes before the Court upon initial review of the file. Plaintiff, who is a civil detainee at the Florida Civil Commitment Center (hereinafter "FCCC") initiated this...	Apr. 16, 2009	Case		1 11 S.Ct.
Discussed by	201. Mancilla-Coello v. McIntosh ¶ 2007 WL 4115293, *2+ , M.D.Fla. This case comes before the Court on the following: 1. Amended Complaint by Plaintiff against Donna L. McIntosh (Doc. No. 2, filed Sept. 20, 2007); 2. Motion by Plaintiff for...	Nov. 16, 2007	Case		9 10 12 S.Ct.
Discussed by	202. Minerva v. Singletary ¶ 830 F.Supp. 1426, 1431+ , M.D.Fla. Habeas proceeding was brought by the capital collateral representative established under Florida law, purporting to act on behalf of or as "next friend" of death row inmate. The...	Aug. 23, 1993	Case		10 12 13 S.Ct.
Discussed by	203. Hamblen v. Dugger 748 F.Supp. 1506, 1508+ , M.D.Fla. Petitioner under sentence of death sought habeas relief. The District Court, Melton, J., held that claims raised in present petition were subject to dismissal for abuse of writ....	Sep. 19, 1990	Case		14 S.Ct.
Discussed by	204. Hamblen v. Dugger ¶ 748 F.Supp. 1497, 1498+ , M.D.Fla. On a motion for relief from judgment, the District Court, Melton, J., held that district court lacked jurisdiction over motion for relief from judgment which was filed by a "next...	July 16, 1990	Case		9 10 12 S.Ct.
Discussed by	205. Martin v. United States ¶ 2022 WL 2919293, *1+ , S.D.Ga. Daniel Martin pleaded guilty to, and was convicted of, one count of conspiracy to possess with intent to distribute and to distribute 50 kilograms or more of marijuana. Doc. 576. ...	June 06, 2022	Case		10 11 12 S.Ct.
Discussed by	206. Howard v. Kimley-Horn & Associates, Inc. ¶ 2021 WL 1244998, *4+ , N.D.Ga. The plaintiff, Chellis A. Howard, has brought this action against the defendant Kimley-Horn & Associates, Inc. ("Kimley-Horn"), alleging that Kimley-Horn acted negligently during...	Mar. 10, 2021	Case		9 10 12 S.Ct.
Discussed by	207. Georgia Shift v. Gwinnett County ¶ 2020 WL 864938, *3+ , N.D.Ga. This matter is before the Court on the Motions to Dismiss of Defendants Cobb County and Cobb County Board of Elections, Gwinnett County and Gwinnett County Board of Elections,...	Feb. 12, 2020	Case		2 4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	208. Kleg v. SP Plus Corporation ¶ 2018 WL 1807012, *3+ , N.D.Ga. This matter is before the Court on a Motion to Dismiss Plaintiff's First Amended Class Action Complaint [19] filed by defendant, SP Plus Corporation ("SP"). Defendant's Motion,...	Mar. 05, 2018	Case		2 4 S.Ct.
Discussed by	209. Coleman v. Unnamed Respondent ¶ 2017 WL 619013, *1+ , S.D.Ga. This Court ordered petitioner Willie Coleman to show cause why this case, which seeks federal habeas relief under 28 U.S.C. § 2254, should not be dismissed for failure either to...	Feb. 15, 2017	Case		10 11 12 S.Ct.
Discussed by	210. Vaughns v. Berry 2016 WL 2893156, *3+ , S.D.Ga. Petitioner Johnny Lee Vaughns, currently incarcerated at the Central State Prison in Macon, Georgia, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and...	Apr. 21, 2016	Case		10 11 S.Ct.
Discussed by	211. Gilroy by and through Mason v. Kona Community Hospital Behavioral Health Authorities ¶ 2020 WL 110741, *2+ , D.Hawai'i Before the court is Petitioner William M. Gilroy's ("Petitioner") Petition for Writ of Habeas Corpus, brought by and through his fiancée, M. Noilani Mason ("Mason"), as putative...	Jan. 09, 2020	Case		10 12 13 S.Ct.
Discussed by	212. Thurston v. Hawaii ¶ 2013 WL 2637827, *2+ , D.Hawai'i Before the court is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, brought on behalf of Christopher Ross Thurston ("Christopher") by his father, Rick Thurston...	June 12, 2013	Case		10 12 13 S.Ct.
Discussed by	213. Crookston as Next Friend of Hale v. Moody ¶ 2021 WL 1799349, *1+ , S.D.Ill. On February 23, 2021, John R. Crookston filed a petition for writ of habeas corpus proceeding pro se as "next friend" of Matthew Hale, an individual incarcerated at USP-Marion....	Mar. 09, 2021	Case		9 10 12 S.Ct.
Discussed by	214. Aries Sinclair v. McLean County Board ¶ 2020 WL 4208917, *4+ , C.D.Ill. This matter is now before the Court on Motions to Dismiss Plaintiff's Complaint filed by Defendants McLean County Board, John/Jane Does from the McLean County Recorder, Clerk,...	July 22, 2020	Case		10 11 12 S.Ct.
Discussed by	215. Citizens for a Better Environment v. Caterpillar, Inc. ¶ 30 F.Supp.2d 1053, 1060+ , C.D.Ill. Environmental group brought suit against owner of dumping site, seeking declaration that site might present an imminent and substantial endangerment to health or the environment...	Nov. 13, 1998	Case		2 4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	216. Ashley W. v. Holcomb 2020 WL 4679433, *2+ , S.D.Ind. The named Plaintiffs are all children in foster care in Indiana. They, through their next friends and on behalf of the proposed Class (collectively, "Plaintiffs"), bring this...	Mar. 20, 2020	Case		10 11 S.Ct.
Discussed by	217. Hughes v. Chattem, Inc. ¶ 818 F.Supp.2d 1112, 1117+ , S.D.Ind. LITIGATION - Parties. Consumers lacked standing to sue manufacturer of weight loss supplements.	Aug. 31, 2011	Case		2 S.Ct.
Discussed by	218. G.R.X Through H.R.W. v. Foxhoven ¶ 2018 WL 4701873, *2+ , S.D.Iowa Defendants Jerry Foxhoven, Richard Shults, and Mark Day filed a Motion for a Protective Order. ECF No. [64]. Plaintiffs G.R.X., J.S.X., C.P.X., and K.N.X. resisted. ECF No. [68]....	May 04, 2018	Case		10 11 12 S.Ct.
Discussed by	219. Jackson v. Abendroth & Russell, P.C. ¶ 207 F.Supp.3d 945, 951+ , S.D.Iowa COMMERCIAL LAW — Parties. Debtor did not suffer any concrete harm from debt collector's alleged procedural violations of Fair Debt Collection Practices Act.	Sep. 12, 2016	Case		2 4 S.Ct.
Discussed by	220. Pyles v. United States District Court for District of Kansas 2022 WL 3681990, *1+ , D.Kan. This matter began with a "Freestanding Constitutional Writ of Habeas Corpus & Declaration of Right to Justice without Delay" electronically submitted for filing on April 15, 2022...	Aug. 25, 2022	Case		12 S.Ct.
Discussed by	221. United States v. Garcia-Patino ¶ 2021 WL 5505457, *1+ , D.Kan. Before the court is Eduardo Garcia-Patino's pro se Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 958). This motion...	Nov. 24, 2021	Case		9 10 12 S.Ct.
Discussed by	222. In re CCA Recordings 2255 Litigation v. United States ¶ 2021 WL 150989, *25+ , D.Kan. In its Memorandum and Order dated October 15, 2020, this Court asked for supplemental briefing on issues related to two categories of legal defenses raised by the government: (1)...	Jan. 18, 2021	Case		10 11 12 S.Ct.
Discussed by	223. Brown v. Middlebrook ¶ 2009 WL 536553, *1+ , D.Kan. This matter is before the court on a form petition seeking a writ of habeas corpus under 28 U.S.C. § 2241, purportedly on behalf of petitioner James Brown, a prisoner incarcerated...	Mar. 03, 2009	Case		10 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	224. Brown v. Davis ¶ 2009 WL 536559, *1+ , D.Kan. This matter is before the court on a form petition seeking a writ of habeas corpus under 28 U.S.C. § 2241, purportedly on behalf of petitioner Rufus Brown, a prisoner incarcerated...	Mar. 03, 2009	Case		10 S.Ct.
Discussed by	225. Doe v. Richardson ¶ 2008 WL 2783153, *1+ , D.Kan. This matter is before the court on a habeas petition filed under 28 U.S.C. § 2241 by an attorney on behalf of an unknown petitioner identified in the petition as an "Unknown Inmate..."	July 16, 2008	Case		9 10 12 S.Ct.
Discussed by	226. Petry-Blanchard v. Louis ¶ 2020 WL 1609493, *1+ , W.D.Ky. This matter is before the Court on a 28 U.S.C. § 2241 petition and amended petition filed by John Anthony Gentry on behalf of Petitioner Neely Petry-Blanchard (DNs 1 & 7). This...	Apr. 01, 2020	Case		10 11 12 S.Ct.
Discussed by	227. Melton v. Litteral ¶ 2018 WL 5258626, *3+ , W.D.Ky. This matter is before the Court on Petitioner's Motion for Reconsideration (DN 26). For the foregoing reasons, the motion is DENIED. On December 26, 2005, Billy Keith Melton...	Oct. 22, 2018	Case		10 11 12 S.Ct.
Discussed by	228. United States v. Smith ¶ 2016 WL 11214429, *10+ , E.D.Ky. On July 6, 2015, Defendant Michael Smith filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence by a person in federal custody. D.E. 920. The United...	June 22, 2016	Case		10 12 13 S.Ct.
Discussed by	229. Annamarie ? Last Name Uncertain v. Electors for Kentucky ¶ 2012 WL 5398565, *2+ , W.D.Ky. To initiate this action, Plaintiff filed a pro se Motion for Declaratory Orders and an Interdict (DN 1). She also filed a motion to proceed in forma pauperis (DN 3), which is...	Nov. 05, 2012	Case		1 S.Ct.
Discussed by	230. U.S. v. Scharstein 2012 WL 4099528, *1+ , E.D.Ky. On August 21, 2012, the Court received correspondence and other materials from James Blue Thunder, an individual seeking to be appointed as the "next friend" of Defendant Victor...	Sep. 17, 2012	Case		10 12 S.Ct.
Discussed by	231. Hamilton v. City of Louisville ¶ 2009 WL 2913878, *2+ , W.D.Ky. GOVERNMENT - Property. Resident had standing to bring a claim that a city had been violating the constitutional rights of the occupants of a residence.	Sep. 09, 2009	Case		1 2 S.Ct.
Discussed by	232. Rayner v. Campbell ¶ 2007 WL 1999998, *2+ , W.D.Ky. Petitioner Barry Wayne Rayner, "on his own and through his mother," Petitioner Pamela D. Echsner, as next friend, filed a petition for writ of habeas corpus pursuant to 28 U.S.C....	July 03, 2007	Case		9 10 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	233. United States v. Breaux ¶ 2016 WL 1408541, *8+ , E.D.La. Before the Court are Ronald Breaux's ("Breaux") "Motion for Review of Sentence Pursuant to 18 U.S.C. § 3742(a)(1)," "Motion that this Court Issue a Writ to Vacate this 'Void'..."	Apr. 11, 2016	Case		10 12 S.Ct.
Discussed by	234. Cardona v. Menifee ¶ 2007 WL 1296603, *2+ , W.D.La. Before the court is the pro se civil rights complaint of Plaintiff Jose Cristobal Cardona, filed pursuant to 42 U.S.C. § 1983 and Bivens v. Six Unknown Named Agents, 403 U.S. 388...	Apr. 10, 2007	Case		9 10 12 S.Ct.
Discussed by	235. Banks v. Barr ¶ 2020 WL 8983477, *1+ , D.Mass. Before the Court is a petition for a writ of habeas corpus under 28 U.S.C. § 2241 submitted by Frederick C. Banks. For the reasons set forth below, the petition is DENIED. On May...	May 19, 2020	Case		10 11 12 S.Ct.
Discussed by	236. In re Fruit Juice Products Marketing and Sales Practices Litigation ¶ 831 F.Supp.2d 507, 510+ , D.Mass. LITIGATION - Parties. Consumers' allegations of exposure to potential health effects from juice products were too speculative to constitute injury in fact.	Dec. 21, 2011	Case		2 4 S.Ct.
Discussed by	237. U.S. v. Sampson 275 F.Supp.2d 49, 69+ , D.Mass. CRIMINAL JUSTICE - Death Penalty. Risk of executing innocent individuals did not render Federal Death Penalty Act unconstitutional.	Aug. 11, 2003	Case		6 8 14 S.Ct.
Discussed by	238. Smith v. Probable Cause Conference Director ¶ 2021 WL 4550951, *6+ , W.D.Mich. This is a habeas corpus action brought by a state prisoner under 28 U.S.C. § 2254. Promptly after the filing of a petition for habeas corpus, the Court must undertake a preliminary...	Oct. 05, 2021	Case		3 9 10 S.Ct.
Discussed by	239. Rex v. Wriggelsworth ¶ 2021 WL 1686135, *2+ , W.D.Mich. This is a habeas corpus action brought by two individuals on behalf of a person, Richard Travis Martin, who is presently held in the Ingham County Jail following a determination of...	Apr. 29, 2021	Case		9 10 11 S.Ct.
Discussed by	240. Smith v. Wriggelsworth ¶ 2020 WL 7237277, *2+ , W.D.Mich. Petitioner Cornelius Smith is awaiting trial on criminal charges in the Ingham Circuit Court. He is presently being held in the Ingham County Jail by Respondent Sheriff Scott...	Dec. 09, 2020	Case		9 10 11 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	241. Cunningham by Cunningham v. Quinn ¶¶ 2020 WL 4670560, *2+ , W.D.Mich. This is a habeas corpus action brought by a man presently held in the Chippewa County Jail pending his trial for kidnapping, on behalf of a minor, under 28 U.S.C. § 2241. Promptly...	Aug. 12, 2020	Case		9 10 11 S.Ct.
Discussed by	242. Littlejohn v. Whitmer ¶¶ 2020 WL 4558736, *3+ , W.D.Mich. This is a habeas corpus action brought by a state prisoner under 28 U.S.C. § 2241. Promptly after the filing of a petition for habeas corpus, the Court must undertake a...	Aug. 07, 2020	Case		9 10 11 S.Ct.
Discussed by	243. Allen v. Washington ¶¶ 2020 WL 4333441, *1+ , W.D.Mich. This is a habeas corpus action brought by a state prisoner purportedly under 28 U.S.C. § 2241. Promptly after the filing of a petition for habeas corpus, the Court must undertake...	July 28, 2020	Case		10 11 12 S.Ct.
Discussed by	244. LaPlante v. Saxton ¶¶ 2020 WL 948147, *2+ , W.D.Mich. This is a habeas corpus action brought by a state prisoner purportedly under 28 U.S.C. § 2241. Consequently, the Court must promptly undertake a preliminary review of the petition...	Feb. 27, 2020	Case		9 10 11 S.Ct.
Discussed by	245. Ward v. Wolfenbarger ¶¶ 2019 WL 11769233, *1+ , E.D.Mich. The Court has pending before it several motions from petitioner. Petitioner has filed a motion to permit his brother Kenneth Ward, who is petitioner's power of attorney, to assist...	Apr. 18, 2019	Case		10 12 13 S.Ct.
Discussed by	246. Hamama v. Adducci ¶¶ 2018 WL 4697086, *3+ , E.D.Mich. The matter before the Court is whether it should vacate the stipulation and order lifting the preliminary injunction as to Wisam Ibrahim filed on January 23, 2018 (Dkt. 151). Saeeb...	Sep. 27, 2018	Case		12 13 S.Ct.
Discussed by	247. Bell v. U.S. ¶¶ 2015 WL 2083538, *2+ , E.D.Mich. Phyllis Bell ("Bell") has filed a "Writ of Conspiracy," alleging that the United States Bureau of Prisons has unconstitutionally detained her father, Felix Walls ("Walls")....	May 05, 2015	Case		10 12 S.Ct.
Discussed by	248. Vartinelli v. Burt ¶¶ 2014 WL 502453, *1+ , W.D.Mich. This is a habeas corpus action brought pursuant to 28 U.S.C. § 2254 by Debra Sue Vartinelli, "on behalf of and as a personal and legal representative" of Carlo Vartinelli, a state...	Feb. 07, 2014	Case		3 10 11 S.Ct.
Discussed by	249. Germain v. Larson ¶¶ 2013 WL 4029093, *2+ , E.D.Mich. On July 3, 2013, a habeas petition brought under 28 U.S.C. §§ 2241 and 2254 was filed in this court. The petition purports to be filed on behalf of seven prisoners; however, it is...	Aug. 08, 2013	Case		10 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	250. Kraus ex rel. Schied v. Nielsen ¶ 2012 WL 2681369, *1+ , E.D.Mich. On June 26, 2012, Patricia Kraus filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2242 on behalf of David Schied challenging his state court contempt...	July 06, 2012	Case		10 11 12 S.Ct.
Discussed by	251. King v. Warren ¶ 2010 WL 3060579, *1+ , E.D.Mich. Michigan prisoner Michael King has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 asserting that he is being held in violation of his constitutional...	Aug. 02, 2010	Case		9 10 12 S.Ct.
Discussed by	252. Helton v. Warren ¶ 2010 WL 457478, *1+ , E.D.Mich. Barb Helton, the mother of 43-year-old Michigan prisoner Julie Meyer, # 663171, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on behalf of her...	Feb. 08, 2010	Case		9 10 12 S.Ct.
Discussed by	253. Solomon v. Wayne County Sheriff ¶ 2006 WL 36754, *1+ , E.D.Mich. This matter involves an unusual habeas corpus petition filed by one prisoner purportedly on behalf of another. Petitioner Rick Solomon has filed a pro se petition for a writ of...	Jan. 05, 2006	Case		9 10 12 S.Ct.
Discussed by	254. Royal Oak Entertainment, L.L.C. v. City of Royal Oak, MI 2005 WL 2038586, *3+ , E.D.Mich. Plaintiffs bring a variety of federal and state claims against Defendants in an action arising out of Plaintiffs' submission to the City of Royal Oak of several Plans of Operation...	Apr. 14, 2005	Case		1 S.Ct.
Discussed by	255. U.S. v. Wayne County, MI. ¶ 280 F.Supp.2d 726, 729+ , E.D.Mich. ENVIRONMENTAL LAW - Parties. City could not challenge appointment of advisor in connection with regional water quality dispute.	Sep. 02, 2003	Case		2 S.Ct.
Discussed by	256. Michigan Road Builders Ass'n, Inc. v. Blanchard ¶ 761 F.Supp. 1303, 1310+ , W.D.Mich. Association of contractors brought action challenging set-aside program for disadvantaged business enterprises for state highway construction contracts. The District Court,...	Apr. 11, 1991	Case		1 2 S.Ct.
Discussed by	257. Transcontinental Insurance Company v. Knutson Construction Services ¶ 2006 WL 8445346, *3+ , D.Minn. THIS MATTER came before the undersigned United States Magistrate Judge on April 28, 2006, on Becker & Becker Stone Co.'s Motion for Partial Summary Judgment [#48] and Cincinnati...	June 23, 2006	Case		2 3 4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	258. Allnew v. City of Duluth ¶ 983 F.Supp. 825, 834+ , D.Minn. In litigation against city officials arising out of order condemning apartment complex as being unfit for human habitation and directing that complex be vacated, tenant moved to...	June 02, 1997	Case		2 4 S.Ct.
Discussed by	259. Bryant v. Holder ¶ 2011 WL 710693, *9+ , S.D.Miss. This case, like many others filed throughout the country, involves a facial Constitutional challenge to the "minimum essential coverage" provision of the Patient Protection and...	Feb. 03, 2011	Case		4 S.Ct.
Discussed by	260. Finan v. Access Care General, LLC ¶ 2022 WL 3138992, *2+ , E.D.Mo. This matter is before the Court on Mr. Thomas Finan's response (ECF No. 12) to the Court's Memorandum and Order dated June 21, 2022. (ECF No. 11). The Court will take this...	Aug. 05, 2022	Case		10 11 12 S.Ct.
Discussed by	261. Finan v. Access Care General, LLC ¶ 2022 WL 605112, *4+ , E.D.Mo. Thomas M. Finan initiated this proceeding by filing a motion to proceed in forma pauperis ("IFP") and a motion for appointment of counsel, both filed in the name of Margaret E....	Mar. 01, 2022	Case		10 11 13 S.Ct.
Discussed by	262. Amburgy v. Express Scripts, Inc. ¶ 671 F.Supp.2d 1046, 1051+ , E.D.Mo. E-COMMERCE - Parties. Plaintiff whose confidential information was stored in breached database lacked standing to bring action against database handler.	Nov. 23, 2009	Case		2 4 8 S.Ct.
Discussed by	263. City of Clarkson Valley v. Mineta ¶ 2008 WL 11512303, *4+ , E.D.Mo. This matter is before me for a ruling following a remand from the United States Court of Appeal for the Eighth Circuit. On October 13, 2005, I denied Defendants' motion to dismiss...	Apr. 22, 2008	Case		2 4 S.Ct.
Discussed by	264. Hatch v. DeMayo 2020 WL 5763543, *7+ , M.D.N.C. Plaintiffs initiated this action alleging that the above-named Defendants violated the Driver's Privacy Protection Act ("DPPA"), 18 U.S.C. § 2721, et seq. (ECF No. 1.) Before the...	Sep. 28, 2020	Case		4 S.Ct.
Discussed by	265. Umana v. United States ¶ 2018 WL 4567711, *3+ , W.D.N.C. THIS MATTER comes before the Court on Movant Alejandro Umaña's Motion, through counsel, to stay these habeas proceedings due to incompetency. (Doc. No. 82). Umaña is an indigent,...	Sep. 24, 2018	Case		9 12 13 S.Ct.



Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	266. Farm Labor Organizing Committee v. Stein ¶ 2018 WL 3999638, *15+ , M.D.N.C. This case comes before the undersigned United States Magistrate Judge for a recommendation on the "Motion to Dismiss First Amended Complaint on Behalf of Defendant Warren" (Docket...	Aug. 21, 2018	Case		2 S.Ct.
Discussed by	267. Bell v. U.S. 2008 WL 818878, *1+ , D.N.D. On February 8, 2008, the petitioner, James Dalton Bell, filed a petition under 28 U.S.C. § 2241 for a writ of habeas corpus. Magistrate Judge Charles S. Miller, Jr. reviewed Bell's...	Mar. 20, 2008	Case		9 10 12 S.Ct.
Discussed by	268. U.S. v. Peltier ¶ 2007 WL 2986116, *1+ , D.N.D. Before the Court are two proposed motions submitted by Mr. James Dalton Bell as "next friend" of Leonard Peltier. These motions (Exhibits 1 & 2) were initially received by the...	Oct. 09, 2007	Case		9 10 12 S.Ct.
Discussed by	269. Frazierii v. Meyers ¶ 2022 WL 2511557, *1+ , D.Neb. This matter is before me for initial review of a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (filing 1) filed on behalf of Petitioner Alphonso V. Frazier II...	June 16, 2022	Case		10 11 S.Ct.
Discussed by	270. Randolph v. Nevada ex rel. Nevada Dept. of Corrections ¶ 2014 WL 3725853, *2+ , D.Nev. Before the court is Plaintiff's Response to Interested Party's Motions (Doc. # 100.) In essence, Plaintiff seeks an order denying as moot three documents (Docs.80, 81 and 82)...	July 24, 2014	Case		10 12 13 S.Ct.
Discussed by	271. U.S. v. Ken Intern. Co., Ltd. ¶ 897 F.Supp. 462, 464+ , D.Nev. After debtor-Japanese corporation and debtor-former stockholder were found to be bankrupt by Japanese court, administer of debtors' bankruptcy estates filed bankruptcy petitions...	Aug. 18, 1995	Case		9 10 12 S.Ct.
Discussed by	272. Livesay v. Murphy ¶ 2022 WL 4597435, *5+ , D.N.J. THIS MATTER comes before the Court upon a Motion to Dismiss ("Motion") filed by Philip Dunton Murphy ("Defendant"). (ECF No. 11.) Christine Livesay and Nicholas DeSimone...	Sep. 30, 2022	Case		2 4 S.Ct.
Discussed by	273. Oluwo v. United States ¶ 2021 WL 5879064, *1+ , D.N.J. Pro se Petitioner Shope Oluwo, a prisoner confined at Otisville FCI, seeks to file a motion to vacate pursuant 28 U.S.C. § 2255. On December 2, 2020, Petitioner submitted to prison...	Nov. 18, 2021	Case		10 11 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	274. Burton v. United States ¶¶ 2020 WL 2899496, *2+ , D.N.J. Dominick Burton and Donna Watts seek to bring a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 as a next friend of Dominick Pugliese, a prisoner at FCI Fort Dix...	June 03, 2020	Case		10 11 12 S.Ct.
Discussed by	275. Dobson as next of friend for Dobson v. Warden ¶¶ 2020 WL 2537629, *1+ , D.N.J. Sonya Dobson seeks to bring a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 as a next friend of her son, Brandon Dobson, a prisoner at FCI Fort Dix. See ECF No. 1...	May 19, 2020	Case		10 11 12 S.Ct.
Discussed by	276. Ogansuyi as next friend for Aigbekaen v. Warden ¶¶ 2020 WL 2507773, *1+ , D.N.J. Florence Ogansuyi seeks to bring a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 as a next friend of her son, Raymond Aigbekaen, a prisoner at FCI Fort Dix. See...	May 15, 2020	Case		10 11 12 S.Ct.
Discussed by	277. Taylor as next friend for Colombo v. Department of Homeland Security ¶¶ 2020 WL 831071, *1+ , D.N.J. Michael Taylor, a prisoner at South Woods State Prison, has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 on behalf of Jimmy Rivera and Patrick Colombo...	Feb. 20, 2020	Case		10 11 12 S.Ct.
Discussed by	278. DiPietro v. Leith ¶¶ 2019 WL 6463979, *2+ , D.N.J. Peter DiPietro has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 on behalf of Michael Roberts, an inmate at the Burlington County Correctional Facility. ECF No....	Dec. 02, 2019	Case		10 11 12 S.Ct.
Discussed by	279. Jackson v. Daniels ¶¶ 2019 WL 1399568, *1+ , D.N.J. Plaintiff, Dashaun Jamil Jackson, is presently detained at the Union County Jail in Elizabeth New Jersey. He commenced this action pro se by filing a civil rights complaint,...	Mar. 27, 2019	Case		10 12 13 S.Ct.
Discussed by	280. In re Guidice ¶¶ 2017 WL 2539397, *2+ , D.N.J. This matter comes before the Court by way of Appellant James A. Kridel, Jr.'s Notice of Appeal of the Bankruptcy Court's Order Approving Settlement and Order Partially Granting...	June 12, 2017	Case		2 4 S.Ct.
Discussed by	281. Strawbridge v. Cherry Hill FBI Office ¶¶ 2016 WL 11646539, *1+ , D.N.J. This screening follows the filing of Plaintiff Kevin Strawbridge's complaint and in forma pauperis (IFP) application [Doc. No. 1]. For the following reasons, the Court will grant...	Mar. 15, 2016	Case		1 S.Ct.








Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 282. Cottrell v. Alcon Laboratories, Inc. ¶¶ 2015 WL 3889367, *3+ , D.N.J. In this putative consumer class action, in—and out-of-state plaintiffs accuse defendant pharmaceutical manufacturers and distributors of engaging in unfair and illegal business...	June 24, 2015	Case		2 4 S.Ct.
Discussed by	283. Banks v. C.I.A. 2015 WL 3604036, *2+ , D.N.J. On or about July 14, 2014, Petitioner Frederick Banks, a prisoner confined at Northeast Ohio Correctional Center in Youngstown, Ohio, filed a Petition for writ of habeas corpus,...	June 08, 2015	Case		1 9 S.Ct.
Discussed by	284. Garcia v. Hollingsworth ¶¶ 2013 WL 5592411, *1+ , D.N.J. This matter comes before the Court upon the Clerk's receipt of a § 2241 habeas petition executed by a certain Cecilia Dagnino ("Dagnino"), see Docket Entry No. 1, at 2, who...	Oct. 10, 2013	Case		10 12 S.Ct.
Discussed by	285. Bailey v. Atlantic County Justice Facility ¶¶ 2013 WL 396090, *2+ , D.N.J. Plaintiff Anthony Charles Bailey ("Plaintiff") seeks to bring this action in forma pauperis. Based on his affidavit of indigence, the Court will grant Plaintiff's application to...	Jan. 31, 2013	Case		10 12 13 S.Ct.
Discussed by	286. Buenrosto v. Zickefoose ¶¶ 2013 WL 144266, *1+ , D.N.J. Petitioner Jose D. Buenrosto ("Petitioner") submitted a habeas petition ("Petition"), pursuant to 28 U.S.C. § 2241, see Docket Entry No. 1, and—following this Court's order...	Jan. 11, 2013	Case		10 12 13 S.Ct.
Discussed by	287. Trainer v. Anderson ¶¶ 2012 WL 4120769, *4+ , D.N.J. IT APPEARING THAT: 1. Plaintiff submitted for filing a civil complaint ("Complaint") and his application to proceed in this matter in forma pauperis. See Docket Entries Nos. 1 and...	Sep. 17, 2012	Case		10 12 S.Ct.
Discussed by	288. Bacon v. Mandell ¶¶ 2012 WL 4105088, *14+ , D.N.J. Plaintiff is a civilly committed individual who commenced his initial case in this District on October 22, 2010; that case was assigned to Judge Jerome B. Simandle ("Judge...	Sep. 14, 2012	Case		10 12 13 S.Ct.
Discussed by	289. El Ameen Bey v. Stumpf ¶¶ 825 F.Supp.2d 537, 552+ , D.N.J. REAL PROPERTY - Pleading. Striking submission was warranted to extent it was filed for purposes other than bona fide litigation as to real property.	Oct. 17, 2011	Case		10 12 13 S.Ct.
Discussed by	 290. In re Telfair ¶¶ 745 F.Supp.2d 536, 560+ , D.N.J. LEGAL SERVICES - Discipline. Application for attorney discipline as to entire United States Attorney's Office was not bona fide disciplinary grievance.	Oct. 15, 2010	Case		9 10 12 S.Ct.

















Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	291. Abebe v. Abebe ¶¶ 2010 WL 2036045, *2+ , D.N.J. This matter comes before the Court upon Complaint by Unula Boo–Shawn Abebe (“Plaintiff”) for relief pursuant to 42 U.S.C. § 1983, and alleged violations of the Eighth Amendment and...	May 24, 2010	Case		9 10 12 S.Ct.
Discussed by	292. Jones v. Corzine ¶¶ 2010 WL 1948352, *14+ , D.N.J. CIVIL RIGHTS - Prisons. Current and former prisoners failed to meet typicality requirement for class action suit arising out of poor prison conditions.	May 14, 2010	Case		9 10 12 S.Ct.
Discussed by	293. Abbott v. Bureau of Prisons ¶¶ 2010 WL 1491639, *5+ , D.N.J. This matter comes before the Court upon an application titled by Petitioner “Rule 60(B) and the Fairness in Cocaine Sentencing Act,” see Docket Entry No. 10, and it appearing that:...	Apr. 13, 2010	Case		9 10 12 S.Ct.
Discussed by	294. Korkala v. Allpro Imaging, Inc. ¶¶ 2009 WL 2496506, *4+ , D.N.J. COMMERCIAL LAW - Jurisdiction. Employee's claims of personal financial injury due to competitor's anti-competitive acts failed to allege an injury-in-fact.	Aug. 12, 2009	Case		2 4 S.Ct.
Discussed by	295. Marrakush Soc. v. New Jersey State Police ¶¶ 2009 WL 2366132, *26+ , D.N.J. This Opinion addresses concerns raised by commencement of the above-captioned civil and habeas matters. While the immediate legal issues presented by the above-captioned cluster of...	July 30, 2009	Case		9 10 12 S.Ct.
Discussed by	296. Smith v. Atlantic County ¶¶ 2008 WL 4606310, *8+ , D.N.J. This matter comes before the Court upon submission of a civil complaint (“Complaint”) by Stanley B. Smith, Jr. (“Plaintiff”), an inmate currently confined at the Southwoods State...	Oct. 14, 2008	Case		9 10 12 S.Ct.
Discussed by	297. Bolling v. Hayman ¶¶ 2008 WL 3843515, *3+ , D.N.J. Plaintiff seeks to bring this action in forma pauperis, without prepayment of fees. Based on his affidavit of indigence and prison account statement, the Court will grant his...	Aug. 14, 2008	Case		9 10 12 S.Ct.
Discussed by	298. Koronthaly v. L'Oreal USA, Inc. 2008 WL 2938045, *4+ , D.N.J. This matter comes before the Court upon Defendant The Proctor and Gamble Distributing LLC's (“P & G”) motion to dismiss pursuant to Fed.R.Civ.P. 12(b)(1), Fed.R.Civ.P. 12(b)(2) and...	July 29, 2008	Case		2 4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	299. Garcia v. Avilez ¶ 2008 WL 1943787, *9+ , D.N.J. This matter comes before the Court upon submission of a civil complaint by Edward J. Garcia ("Garcia"), an inmate currently confined at Hudson County Correctional Center...	Apr. 30, 2008	Case		9 10 12 S.Ct.
Discussed by	300. Ghana v. Hayman ¶ 2007 WL 4292389, *2+ , D.N.J. Plaintiffs Emory M. Ghana and Angel Martinez (hereinafter "Plaintiffs"), prisoners incarcerated at Southwoods State Prison, submitted to the Clerk for filing their joint civil...	Dec. 04, 2007	Case		9 10 12 S.Ct.
Discussed by	301. Stilton v. Ocean County Courthouse ¶ 2007 WL 4233021, *3+ , D.N.J. Plaintiff seeks to bring this action in forma pauperis, without prepayment of fees pursuant to 28 U.S.C. § 1915. Based on his affidavit of indigence and prison account statement,...	Nov. 29, 2007	Case		9 10 12 S.Ct.
Discussed by	302. Banda v. Corzine ¶ 2007 WL 3243917, *20+ , D.N.J. This matter is before the Court upon submission of a joint civil complaint (hereinafter "Complaint"), pursuant to 42 U.S.C. § 1983, by above listed Plaintiffs (hereinafter,...	Nov. 01, 2007	Case		9 10 12 S.Ct.
Discussed by	303. Talmadge v. The Herald News ¶ 2007 WL 3071665, *2+ , D.N.J. Plaintiff MICHAEL TALMADGE (hereinafter "Plaintiff") currently confined at Passaic County Jail, Patterson, New Jersey, seeks to bring this 42 U.S.C. § 1983 action in forma pauperis...	Oct. 22, 2007	Case		9 10 12 S.Ct.
Discussed by	304. Crocamo v. Hudson County Correctional Center ¶ 2007 WL 1175753, *7+ , D.N.J. This is a motion for summary judgment by the two remaining defendants-Director Oscar Aviles ("Aviles") and Deputy Director Eric Roberts ("Roberts") of the Hudson County...	Apr. 19, 2007	Case		2 3 S.Ct.
Discussed by	305. Smith v. Crose ¶ 2006 WL 2591075, *2+ , D.N.J. Plaintiff EUGENE SMITH (hereinafter "Plaintiff") currently confined at Union County Jail, Elizabeth, New Jersey (hereinafter "Facility"), seeks to bring this 42 U.S.C. § 1983...	Sep. 08, 2006	Case		9 10 12 S.Ct.
Discussed by	306. Lugo v. Camden County Correctional Facility ¶ 2006 WL 1797830, *4+ , D.N.J. Plaintiff ALONZO LUGO (hereinafter "Plaintiff") currently confined at the Camden County Correctional Facility, Camden, New Jersey, submitted for filing his complaint (hereinafter...	June 28, 2006	Case		10 12 13 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	307. Pilkey v. Lappin  2006 WL 1843098, *6+ , D.N.J. Plaintiff William Robert Pilkey (hereinafter "Plaintiff") currently confined at the Federal Prison Camp, Big Springs, Texas, seeks to bring this action n iforma pauperis without...	June 28, 2006	Case		9 10 12 S.Ct.
Discussed by	308. Kemp v. Harvey  2006 WL 561961, *4+ , D.N.J. The proceedings in this legal action have been initiated by filing of (1) Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (hereinafter "Petition") and (2)...	Mar. 06, 2006	Case		10 12 S.Ct.
Discussed by	309. Interfaith Community Organization v. Honeywell Intern., Inc. 188 F.Supp.2d 486, 495+ , D.N.J. ENVIRONMENTAL LAW - Solid Waste. Nonprofit community organization's members had standing to bring citizen action under RCRA.	Mar. 12, 2002	Case		1 2 4 S.Ct.
Discussed by	310. N.A.M.I. (National Alliance of Mentally Ill of Essex) v. Essex County Bd. of Freeholders  91 F.Supp.2d 781, 784+ , D.N.J. HEALTH - Mental Health. Action challenging county's proposal to relocate long term care facility was not ripe.	Apr. 11, 2000	Case		2 3 S.Ct.
Discussed by	311. J.B. on behalf of K.E. v. Charley  2021 WL 5768907, *1+ , D.N.M. The two consolidated cases in this matter are brought by the same plaintiff regarding the same events against two different defendants. Doc. 27 at 2 (No. 21-632). Case No. 21-632,...	Dec. 06, 2021	Case		10 11 12 S.Ct.
Discussed by	312. Rodriguez-Olalde v. United States  2021 WL 1169712, *3+ , D.N.M. This matter comes before the Court on the Motion For Injunctive/Emergency Relief and Motion To Set Aside Removal Order And Request For Release. (Docs. 1, 2) (the "Motions")....	Mar. 26, 2021	Case		10 12 S.Ct.
Discussed by	313. Gallegos v. Bravo  2011 WL 13195952, *2+ , D.N.M. THIS MATTER involves a habeas petition under 28 U.S.C. § 2254. Throughout the proceedings, Petitioner Ernest Gallegos has been incarcerated at the Guadalupe County Correctional...	July 26, 2011	Case		9 10 12 S.Ct.
Discussed by	314. Progressive Casualty Insurance Company v. Boire  2022 WL 3212076, *2+ , N.D.N.Y. Plaintiff Progressive Casualty Insurance Company ("Progressive") filed a complaint on June 8, 2021, for declaratory judgment against defendants Jason Boire, Clifford Joseph...	Aug. 09, 2022	Case		1 S.Ct.




















Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	315. Layman by next friend Marvin v. Sheriff, Orange County Jail ¶ 2022 WL 377885, *1+ , S.D.N.Y. Mark Marvin brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254 on behalf of Nicole Layman, who is currently detained at the Orange County Jail awaiting...	Jan. 14, 2022	Case		9 10 11 S.Ct.
Discussed by	316. Elisa W. by Barricelli v. City of New York ¶ 2018 WL 1413254, *11+ , S.D.N.Y. TO THE HONORABLE LAURA TAYLOR SWAIN, United States District Judge, By notice of motion dated March 23, 2017 (Docket Item ("D.I.") 357), plaintiffs move to substitute Yusuf El...	Feb. 28, 2018	Case		10 12 13 S.Ct.
Discussed by	317. Wally ex rel. Crabbe v. Rockaway Care Center ¶ 2014 WL 1514623, *1+ , E.D.N.Y. Petitioner Emelinda Crabbe as next friend of Hassan Tarawally brings this pro se petition for a writ of habeas corpus seeking to remove Tarawally from Rockaway Care Center, a...	Apr. 11, 2014	Case		10 11 12 S.Ct.
Discussed by	318. Bey v. New York City Dept. of Correction ¶ 2013 WL 5952947, *1+ , S.D.N.Y. On April 18, 2013, an application for a writ of habeas corpus under 28 U.S.C. § 2242 was filed by Ra Maa Nu Amen Bey and Tchet Ab Utcha Ra El (collectively, "petitioners"),...	Nov. 07, 2013	Case		10 11 12 S.Ct.
Discussed by	319. Bey v. New York City Dept. of Correction ¶ 2013 WL 5405491, *2+ , S.D.N.Y. TO THE HONORABLE PAUL A. ENGELMAYER, UNITED STATES DISTRICT JUDGE Before the Court is an application for a writ of habeas corpus made pursuant to 28 U.S.C. § 2242 by Ra Maa Nu Amen...	Sep. 20, 2013	Case		10 11 12 S.Ct.
Discussed by	320. Wang v. City of New York ¶ 2009 WL 705966, *1+ , E.D.N.Y. On October 14, 2008, petitioners, Wenyi Wang and Derong Zhang, filed this application for a writ of habeas corpus challenging their detention at the Queens County Detention Center...	Mar. 16, 2009	Case		10 11 12 S.Ct.
Discussed by	321. New York ex rel. Fox v. Federal Bureau of Prisons ¶ 2008 WL 5191843, *2+ , E.D.N.Y. On November 19, 2008, Robert James Fox, who describes himself as a "missionary in a Matthew 25 mission" in Jacksonville, Texas, commenced this action by filing a "Petition for...	Dec. 05, 2008	Case		9 10 11 S.Ct.
Discussed by	322. Gudavadze v. Kay ¶ 556 F.Supp.2d 299, 301+ , S.D.N.Y. ESTATE PLANNING AND PROBATE - Process. Defendant received adequate service of process in action to prevent him from interfering with estate's administration.	May 30, 2008	Case		9 10 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	323. Fenstermaker v. Bush  2007 WL 1705068, *5+ , S.D.N.Y. On or about September 26, 2006, Scott L. Fenstermaker ("Fenstermaker"), an attorney admitted to practice in New York State, filed an amended petition for "writ of mandamus" and...	June 12, 2007	Case		9 10 12 S.Ct.
Discussed by	324. Clark v. Burge 2007 WL 1199475, *2+ , W.D.N.Y. Before the Court is respondent's motion to dismiss for failure to exhaust state court remedies (Docket No. 11) and petitioner's cross-motion for an evidentiary hearing (Docket No....	Apr. 19, 2007	Case		10 11 12 S.Ct.
Discussed by	325. Parisi v. United States  2006 WL 8423998, *2+ , N.D.N.Y. This case presents the question whether a criminal defendant, who has signed a written plea agreement establishing his guilt, can now move to vacate, set aside, or correct his...	Jan. 17, 2006	Case		1 10 S.Ct.
Discussed by	 326. Tabbaa v. Chertoff  2005 WL 3531828, *7+ , W.D.N.Y. Almost one year ago, the government detained the five Muslim-American plaintiffs at the international border as they returned from attending an Islamic religious conference in...	Dec. 22, 2005	Case		2 4 S.Ct.
Discussed by	 327. In re Ciprofloxacin Hydrochloride Antitrust Litigation  261 F.Supp.2d 188, 200+ , E.D.N.Y. ANTITRUST - Market Allocations. Rule of reason test applied to drug patent misuse claim.	May 20, 2003	Case		6 8 14 S.Ct.
Discussed by	 328. In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation  175 F.Supp.2d 593, 608+ , S.D.N.Y. ENVIRONMENTAL LAW - Clean Air. State claims concerning contamination of groundwater caused by gasoline additive were not preempted.	Aug. 20, 2001	Case		2 3 4 S.Ct.
Discussed by	 329. U.S. v. Frank 8 F.Supp.2d 253, 270+ , S.D.N.Y. Defendant was charged with various federal offenses based on allegations of an interstate kidnapping resulting in death. After the government filed a notice that it intended to...	May 06, 1998	Case		6 7 14 S.Ct.
Discussed by	 330. Pietsch v. Bush  755 F.Supp. 62, 66+ , E.D.N.Y. Citizen sued President and principal military officers, seeking to block military activities in Persian Gulf. The District Court, Spatt, J., held that: (1) citizen did not...	Jan. 16, 1991	Case		2 6 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 331. MacTruong v. DeWine  2022 WL 9818868, *3+ , S.D.Ohio Dmt MacTruong ("Plaintiff") proceeds pro se and in forma pauperis. Compl., ECF No. 3. His Complaint purports to be joined by a slew of additional plaintiffs, such as Vice President...	Oct. 17, 2022	Case		2 3 4 S.Ct.
Discussed by	332. Washington v. Neil  2019 WL 4743666, *1+ , S.D.Ohio This matter is before the Court on the Report and Recommendation (R&R) issued by the Magistrate Judge on October 16, 2018 (Doc. 8), as well as the Report and Recommendation (R&R)...	Sep. 30, 2019	Case		10 11 12 S.Ct.
Discussed by	 333. National Air Traffic Controllers Ass'n, MEBA, AFL-CIO v. Pena  944 F.Supp. 1337, 1342+ , N.D.Ohio Air traffic controllers employed by the Federal Aviation Administration (FAA) and air traffic controllers' association brought suit against Secretary of the Department of...	Nov. 08, 1996	Case		2 4 S.Ct.
Discussed by	334. Gray v. Acadia Healthcare Company, Inc.  2020 WL 5996418, *2+ , E.D.Okla. Before the Court is the Motion to Dismiss Plaintiff's Second Amended Complaint filed by Defendants Acadia Healthcare Company, Inc. ("Acadia") and Rolling Hills Hospital, LLC...	Oct. 09, 2020	Case		9 10 12 S.Ct.
Discussed by	 335. Calvey v. Obama 792 F.Supp.2d 1262, 1267+ , W.D.Okla. INSURANCE - Health. Uninsured plaintiffs had standing to challenge Patient Protection and Affordable Care Act's minimum coverage requirement.	Apr. 26, 2011	Case		4 S.Ct.
Discussed by	336. Brown v. Tulsa County Dist. Court 2007 WL 188271, *1+ , N.D.Okla. On August 22, 2006, William Edward Johnson, appearing pro se, submitted a "Petition to Re-Open Case No. CF-91-2809" (Dkt.# 1). Mr. Johnson indicates that he and other individuals...	Jan. 22, 2007	Case		1 10 S.Ct.
Discussed by	  337. Anoushiravani v. Fishel  2004 WL 1630240, *3+ , D.Or. In this action, plaintiff Morteza Anoushiravani alleges several United States Customs and Border Protection ("Customs") officials violated his Fifth Amendment rights to due process...	July 19, 2004	Case		2 4 S.Ct.
Discussed by	338. Gooden-Reid v. Smith  2020 WL 1814154, *2+ , M.D.Pa. On June 27, 2019, Hasan Gooden-Reid, an individual presently housed at the Houtzdale State Correctional Institution (SCI-Houtzdale), in Houtzdale, Pennsylvania, filed a petition...	Apr. 09, 2020	Case		10 11 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	339. Maddy v. Ebert ¶ 2019 WL 294381, *2+ , M.D.Pa. On July 18, 2018, John William Williams filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on behalf of Charmayne Patricia Maddy, his alleged common law wife...	Jan. 23, 2019	Case		10 11 12 S.Ct.
Discussed by	340. Ferri Enterprises, Inc. v. Ferri ¶ 2018 WL 1363846, *3+ , W.D.Pa. This is a declaratory judgment action filed by Plaintiff Ferri Enterprises, Inc. ("Ferri Enterprises"). Presently before this Court are Rule 12(b)(1) and 12(b)(7) Motions to...	Mar. 15, 2018	Case		2 4 S.Ct.
Discussed by	341. Vaughn v. Franklin County Jail ¶ 2017 WL 2573177, *2+ , M.D.Pa. Presently before the court is the report (Doc. 3) of Chief Magistrate Judge Susan E. Schwab recommending dismissal of a Section 2254 Petition for Writ of Habeas Corpus (Doc. 1)....	June 14, 2017	Case		10 11 12 S.Ct.
Discussed by	342. Storm v. Paytime, Inc. ¶ 90 F.Supp.3d 359, 364+ , M.D.Pa. LITIGATION - Jurisdiction. Employees who had information stolen in cyber-attack on payroll provider lacked Article III standing to sue provider.	Mar. 13, 2015	Case		2 4 S.Ct.
Discussed by	343. Community County Day School v. School Dist. of City of Erie ¶ 2014 WL 3535341, *6+ , W.D.Pa. On January 23, 2014, the above captioned case was filed in this Court and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance...	July 16, 2014	Case		2 4 S.Ct.
Discussed by	344. Gerber v. PA State Atty. Gen. ¶ 2012 WL 1357635, *1+ , M.D.Pa. THE BACKGROUND OF THIS MEMORANDUM IS AS FOLLOWS: On April 17, 2012, the above action was initiated on behalf of Warren Gerber by his brother, Gary Gerber, upon the filing of a...	Apr. 19, 2012	Case		10 12 13 S.Ct.
Discussed by	345. Fake v. Dept. of Corrections ¶ 2011 WL 6400314, *1+ , M.D.Pa. On June 18, 2009, Clifford Fake filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on behalf of his wife Tina Fake, who is the named petitioner in this...	Dec. 19, 2011	Case		10 11 12 S.Ct.
Discussed by	346. Allison v. Aetna, Inc. ¶ 2010 WL 3719243, *2+ , E.D.Pa. AND NOW, this 9th day of March 2010, upon consideration of Defendant's Motion to Dismiss the Amended Complaint (Doc. No. 14), Plaintiff's Memorandum of Law in Opposition thereto...	Mar. 09, 2010	Case		4 8 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 347. Goodson v. Maggi ¶ 2010 WL 1328687, *25+ , W.D.Pa. The Court respectfully recommends the following: 1. That the Motion to Dismiss (Doc. No. 108) filed by Defendants Washington County Commissioners Lawrence O. Maggi, Diana Irey, and...	Mar. 01, 2010	Case		1 2 S.Ct.
Discussed by	348. Bryan v. Barrasse ¶ 2008 WL 4793742, *1+ , M.D.Pa. CRIMINAL JUSTICE - Habeas Corpus. The petitioner's claim was dismissed where he attempted to file as next friend of a fellow inmate and he did not demonstrate that he had standing.	Oct. 30, 2008	Case		9 10 12 S.Ct.
Discussed by	349. Aponte v. Chamberlain ¶ 2008 WL 4569861, *1+ , M.D.Pa. Petitioner Zinia Aponte, an inmate confined at the Muncy State Correctional Institution ("SCI-Muncy") in Muncy, Pennsylvania, initiated this pro se action by filing a petition...	Oct. 06, 2008	Case		10 12 S.Ct.
Discussed by	350. Montelione ex rel. Montelione v. Corbett ¶ 2008 WL 1994816, *1+ , M.D.Pa. Francesca-Shannon Montelione filed the instant petition for habeas corpus under 28 U.S.C. § 2254 as next friend of her mother, Claudia A. Montelione, who is imprisoned by the...	May 02, 2008	Case		9 10 12 S.Ct.
Discussed by	351. Scher v. Legg ¶ 2008 WL 906551, *1+ , M.D.Pa. Debra Rabold initiated this action pro se by filing a petition pursuant to 28 U.S.C. § 2254 seeking a writ of habeas corpus on behalf of Dr. Stephen Barry Scher, an inmate at the...	Apr. 01, 2008	Case		9 10 12 S.Ct.
Discussed by	352. Martin v. Rendell ¶ 2007 WL 1746372, *1+ , E.D.Pa. Prisoner Bruce Pettiford has filed a petition in this court pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus on behalf of his wife, Sparkle Martin (a/k/a Junnine...	June 18, 2007	Case		10 12 13 S.Ct.
Discussed by	353. Lazil v. Bureau of Immigration and Customs Enforcement ¶ 2005 WL 758248, *2+ , E.D.Pa. Presently before the Court is Lora Craddock's Petition for Writ of Habeas Corpus (Doc. No. 6), and the Government's Motion to Dismiss Lora Craddock's Petition for Habeas Corpus...	Mar. 31, 2005	Case		9 10 12 S.Ct.
Discussed by	 354. Fahy v. Horn ¶ 2003 WL 22017231, *14+ , E.D.Pa. The procedural history of this capital conviction is extensive and complex. Petitioner has filed numerous appeals and petitions for post-conviction relief in the state system,...	Aug. 26, 2003	Case		13 14 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 355. Green v. Joy Cone Co. 278 F.Supp.2d 526, 536+ , W.D.Pa. LABOR AND EMPLOYMENT - Discrimination. Release form included in application materials was not prohibited pre-offer medical "inquiry."	Aug. 21, 2003	Case		2 4 S.Ct.
Discussed by	356. Seymour/Jones v. Shellenberger  1997 WL 9793, *2+ , E.D.Pa. Plaintiff William Seymour/Jones ("Plaintiff"), a state prisoner proceeding pro se, has filed this section 1983 action alleging a denial of due process and a violation of his...	Jan. 08, 1997	Case		2 S.Ct.
Discussed by	 357. Martin v. Vaughn  1995 WL 458977, *1+ , E.D.Pa. Plaintiffs, Raphael Villafane and Robert Martin, present and former inmates at the State Correctional Institution at Graterford ("SCIG"), bring suit under 42 U.S.C.A. § 1983...	May 30, 1995	Case		2 3 S.Ct.
Discussed by	 358. Robinson v. Vaughn  1992 WL 368461, *2+ , E.D.Pa. Presently before the court is defendant's motion for summary judgment. For the reasons set forth below, defendant's motion will be granted. Plaintiff David Robinson...	Dec. 02, 1992	Case		2 3 S.Ct.
Discussed by	 359. Sam M. by Elliott v. Carcieri  610 F.Supp.2d 171, 183+ , D.R.I. FAMILY LAW - Parties. Proposed "Next Friends" had no standing to represent children in suit challenging adequacy of state's child welfare system.	Apr. 29, 2009	Case		10 11 12 S.Ct.
Discussed by	360. Beck v. McDonald  2015 WL 13777969, *5+ , D.S.C. This matter is before the Court for consideration of Plaintiffs' motion for partial summary judgment, filed on June 30, 2014 (Doc. #65); Plaintiffs' motion to certify class, filed...	Mar. 31, 2015	Case		4 S.Ct.
Discussed by	361. Moeller v. Weber  2012 WL 5288002, *1+ , D.S.D. After counsel for Defendants and Attorney Mark F. Marshall, on behalf of Moeller, filed a stipulation for dismissal of Moeller's § 1983 civil rights action pursuant to Fed.R.Civ.P....	Oct. 23, 2012	Case		10 11 12 S.Ct.
Discussed by	362. U.S. v. Carter  2008 WL 3153192, *1+ , D.S.D. Defendant was convicted in October 2003 of one count of abusive sexual contact with his 17 year old step-daughter, one count of abusive sexual contact with a 14 year old friend of...	Aug. 04, 2008	Case		10 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	363. Blanton v. Bedford County Sheriff's Dep't ¶ 2016 WL 447490, *3+ , E.D.Tenn. Isaac Scott Blanton, a prisoner in the Northeast Correctional Complex in Mountain City, Tennessee, filed this pro se civil rights suit for monetary relief under 42 U.S.C. § 1983 in...	Feb. 04, 2016	Case		2 S.Ct.
Discussed by	364. Montague v. Schofield ¶ 2015 WL 1879590, *10+ , E.D.Tenn. This is a pro se civil rights action and proposed class action pursuant to 42 U.S.C. § 1983, seeking injunctive and declaratory relief, as well as reimbursement of all costs and...	Apr. 22, 2015	Case		4 S.Ct.
Discussed by	365. King v. Countrywide Financial Corp. 2010 WL 1946284, *1+ , M.D.Tenn. This matter is before the Court upon Defendants' "Motion to Dismiss," "for lack of standing and jurisdiction, insufficient service of process, and failure to state a claim upon...	Apr. 26, 2010	Case		9 10 12 S.Ct.
Discussed by	366. Pruitt v. Lewis 2007 WL 1795841, *2+ , W.D.Tenn. The Plaintiff, Gilbert T. Pruitt, through his son and next friend Barry Garrett, brought the instant action against the Defendants pursuant to 42 U.S.C. § 1983 and 42 U.S.C. §...	June 21, 2007	Case		10 S.Ct.
Discussed by	367. Schreck by and through Schreck v. City of Amarillo ¶ 2021 WL 5178855, *2+ , N.D.Tex. The above-styled civil rights Complaint (ECF No. 3) comes before the Court through Marcie Schreck, mother of Hunter Tyler Schreck, on application to proceed as "next friend" (ECF...	Nov. 08, 2021	Case		10 11 12 S.Ct.
Discussed by	368. A.V.V. v. Marr ¶ 2021 WL 5854965, *2+ , S.D.Tex. Anita Vasquez filed this petition under 28 U.S.C. § 2241 on behalf of her 17-year-old son, Alfred Vasquez Villarreal Jr., who is currently in custody with the Victoria County...	Aug. 16, 2021	Case		10 11 12 S.Ct.
Discussed by	369. Welsh as next friend of Wilson v. McLane ¶ 2020 WL 5865987, *1+ , W.D.Tex. Before the Court is the 42 U.S.C. § 1983 complaint filed by Plaintiff Lonnie Kade Welsh as next friend of Mr. Charles Wilson. Plaintiff names Marsha McLane, Director of the Texas...	Oct. 01, 2020	Case		10 11 12 S.Ct.
Discussed by	370. Bhardwaj v. Kirk ¶ 2018 WL 2725459, *1+ , S.D.Tex. Tarun Bhardwaj filed a federal petition for a writ of habeas corpus with the assistance of his mother, Girjesh Sharma. The threshold issue is whether Sharma has standing to...	June 06, 2018	Case		10 11 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	371. Stubblefield v. U.S. Marshal Gary Blankinship ¶¶ 2018 WL 1730316, *1+ , S.D.Tex. Pending before the Court is a section 2241 habeas petition purportedly filed on behalf of convicted federal detainee Shonda Renee Stubblefield, a/k/a Shonda Renee Walton, a/k/a...	Apr. 10, 2018	Case		10 11 12 S.Ct.
Discussed by	372. State of Texas v. Prek on behalf of Prek ¶¶ 2017 WL 6766187, *1+ , N.D.Tex. Before the Court is an Emergency Petition for Writ of Habeas Corpus Due to Need of Urgent Medical Treatment filed by Yazmin Prek on behalf of her husband, Wilberto Prek, a pretrial...	Oct. 30, 2017	Case		10 S.Ct.
Discussed by	373. Payne v. United States ¶¶ 2016 WL 454899, *3+ , E.D.Tex. BEFORE THE COURT are the Motion to Dismiss [70] filed by the City of Little Elm, the Motion for Judgment on the Pleadings [71] filed by Highland Homes, and the Motion to Dismiss...	Feb. 05, 2016	Case		4 S.Ct.
Discussed by	374. United States v. Barrandey ¶¶ 2015 WL 13387868, *4+ , W.D.Tex. On this day, this Court considered the Report and Recommendation ("R&R") of United States Magistrate Judge David Counts [docket number 224], filed in connection with a 28 U.S.C....	May 06, 2015	Case		10 11 12 S.Ct.
Discussed by	375. Rubio v. United States ¶¶ 2015 WL 13385924, *3+ , W.D.Tex. Before the Court are two Motions to Vacate involving codefendants Moises Quilimoco Rubio ("Moises") and Raquel Nicole Barrandey ("Raquel") (collectively, "Movants"). (D.E. 182;...	Jan. 30, 2015	Case		10 11 12 S.Ct.
Discussed by	376. Fulwood v. Rivera ¶¶ 2012 WL 1553906, *1+ , E.D.Tex. Kristy Fulwood seeks to bring this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 as next friend of Christopher Harvey, an inmate confined at the Federal...	May 01, 2012	Case		9 10 12 S.Ct.
Discussed by	377. Myran v. Clark ¶¶ 2011 WL 7110227, *1+ , E.D.Tex. Petitioner Gary O. Myran brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner seeks the release of his wife, Gwendolyn Myran. The above-styled...	Dec. 09, 2011	Case		9 10 12 S.Ct.
Discussed by	378. Wolfe v. Spivey ¶¶ 2010 WL 5441927, *1+ , N.D.Tex. Brady Byrum, appearing pro se and purportedly acting on behalf of Stanley Wolfe, has filed an application for writ of habeas corpus pursuant to 28 U.S.C. § 2241. For the reasons...	Dec. 06, 2010	Case		9 10 14 S.Ct.








Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	379. Thorpe v. Eavenson ¶ 2007 WL 4355441, *2+ , N.D.Tex. After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes...	Dec. 11, 2007	Case		9 10 11 S.Ct.
Discussed by	380. Murray v. Quarterman ¶ 2006 WL 2691151, *2+ , N.D.Tex. Now before the Court is Petitioner's Second Amended Petition for Habeas Corpus pursuant to 28 U.S.C. § 2254. United States Magistrate Judge William F. Sanderson, Jr., issued his...	Sep. 20, 2006	Case		12 13 14 S.Ct.
Discussed by	381. Novikova v. Prendes ¶ 2006 WL 1424255, *1+ , N.D.Tex. The United States Magistrate Judge made findings, conclusions and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings,...	May 24, 2006	Case		10 12 14 S.Ct.
Discussed by	382. Van Meter v. Gary ¶ 2006 WL 1544459, *1+ , E.D.Tex. Petitioner Anita Jan Van Meter, an inmate confined at the Grayson County Jail, brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The petition was filed...	Apr. 13, 2006	Case		9 10 14 S.Ct.
Discussed by	383. Ables v. Dretke 2005 WL 3148439, *2+ , N.D.Tex. This cause of action was referred to the United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b), as implemented by an order of the United States District...	Nov. 15, 2005	Case		9 10 12 S.Ct.
Discussed by	384. Ford ex rel. Ford v. Bowles ¶ 2005 WL 1214671, *1+ , N.D.Tex. Gloria Ford, appearing pro se and on behalf of Kaiser-Bernard Ford III, has filed an "Emergency Writ of Habeas Corpus." For the reasons stated herein, the writ should be...	May 20, 2005	Case		9 10 14 S.Ct.
Discussed by	385. Hinds v. Deburko ¶ 2004 WL 626267, *1+ , N.D.Tex. Pursuant to the provisions of 28 U.S.C. § 636(b), and an order of the Court in implementation thereof, this cause has been referred to the United States Magistrate Judge. The...	Mar. 25, 2004	Case		10 12 14 S.Ct.
Discussed by	386. Hasteley v. Bush ¶ 2003 WL 22289885, *3+ , N.D.Tex. On this date the Court considered Defendants' Motion to Dismiss and Brief in Support filed on June 30, 2003, by John Ashcroft, George W. Bush, and Larry Combest ("Defendants"),...	Oct. 06, 2003	Case		1 2 4 S.Ct.
Discussed by	387. Instaff Personnel, LLC. v. Gonzalez 2002 WL 2030829, *2+ , N.D.Tex. LABOR AND EMPLOYMENT - Benefit Plans. Temporary employment agency lacked standing to enforce terms of benefits plan under ERISA.	Sep. 04, 2002	Case		2 4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	388. National Ass'n of Life Underwriters v. Clarke ¶ 761 F.Supp. 1285, 1288+ , W.D.Tex. Various entities and individuals sued for declaratory and injunctive relief from Comptroller of Currency's approval of federal bank's plan to sell annuities in North and South...	Mar. 25, 1991	Case		2 4 S.Ct.
Discussed by	389. S.U. ex rel. Feldman v. Youth Care of Utah, Inc. ¶ 345 F.Supp.2d 1269, 1270+ , D.Utah FAMILY LAW - Child Custody. Mother of minor's friend did not have standing to file habeas petition on minor's behalf.	Nov. 23, 2004	Case		10 11 12 S.Ct.
Discussed by	390. Waller v. Schmidt 2021 WL 5856150, *1+ , W.D.Va. Gregory Waller, biological brother of Gary Waller who is an inmate in the Amherst County Adult Detention Center, has filed a petition for habeas corpus under 28 U.S.C. § 2254 on...	Dec. 09, 2021	Case		1 S.Ct.
Discussed by	391. Long v. Barr ¶ 451 F.Supp.3d 507, 531+ , E.D.Va. TRANSPORTATION — Aviation. Court of Appeals had exclusive jurisdiction over as-applied claims challenging redress proceedings which had affirmed individual's No Fly List status.	Apr. 02, 2020	Case		1 3 S.Ct.
Discussed by	392. Sirleaf v. Mikeljohn 2019 WL 2251705, *2+ , E.D.Va. Priest Momolu V.S. Sirleaf, Jr., a Virginia inmate proceeding pro se and in forma pauperis, filed this 42 U.S.C. § 1983 action. The action proceeds on the PARTICULARIZED...	May 24, 2019	Case		9 10 11 S.Ct.
Discussed by	393. Edmonds v. Clarke ¶ 2014 WL 11515545, *2+ , E.D.Va. This petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 was filed on behalf of Drevon M. Edmonds, a Virginia inmate, by his "friend," a self-styled "jailhouse...	Dec. 16, 2014	Case		11 12 13 S.Ct.
Discussed by	394. Gleason v. Pearson ¶ 2013 WL 139478, *4+ , W.D.Va. Robert Charles Gleason, Jr. is scheduled to be executed on January 16, 2013 for murdering Harvey Watson, his cellmate at Wallens Ridge State Prison, and for murdering Aaron Cooper,...	Jan. 10, 2013	Case		11 12 13 S.Ct.
Discussed by	395. Lovitt v. Warden ¶ 2009 WL 4508586, *1+ , W.D.Va. Presently before the court is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254. The named petitioner is Robin Lovitt, but another inmate ("next friend") filed...	Nov. 25, 2009	Case		9 10 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	396. Gould v. U.S. ¶ 2007 WL 2325177, *3+ , W.D.Va. This matter is before the Court on the Defendant's June 8, 2007 Motion to Dismiss. For the reasons given below, the motion is GRANTED. Theodore Gould seeks to hold numerous...	Aug. 09, 2007	Case		2 3 S.Ct.
Discussed by	397. Jenkins v. Miller ¶ 2020 WL 5127875, *2+ , D.Vt. Plaintiff Janet Jenkins, for herself and as next friend of her daughter Isabella Miller-Jenkins, has brought suit against several individuals and organizations, alleging that they...	Aug. 31, 2020	Case		10 12 13 S.Ct.
Discussed by	398. Headrick v. Strange ¶ 2021 WL 4034157, *1+ , W.D.Wash. This matter is before this Court on petitioner's amended petition for writ of habeas corpus under § 28 U.S.C. § 2254. Dkt. 40. As discussed below, the Court will order petitioner...	Sep. 03, 2021	Case		9 10 11 S.Ct.
Discussed by	399. Garvie v. Washington ¶ 2019 WL 1333742, *5+ , W.D.Wash. On September 17, 2018, state prisoner Eugene Brian Garvie submitted a pro se petition for writ of habeas corpus under 28 U.S.C. § 2254, in which he appeared to be challenging a...	Mar. 01, 2019	Case		10 11 12 S.Ct.
Discussed by	400. Washington v. U.S. Congress ¶ 2015 WL 2085607, *2+ , W.D.Wash. The Court, after careful consideration of petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus (Dkt. No. 1), the Report and Recommendation of the Honorable James P....	May 05, 2015	Case		10 12 S.Ct.
Discussed by	401. Glave v. Glebe ¶ 2012 WL 761141, *2+ , W.D.Wash. This matter comes before the court on the Magistrate Judge's Report and Recommendations, recommending dismissal of Dana Glave and Alvin Hegge as next friend petitioners in this...	Mar. 08, 2012	Case		9 10 12 S.Ct.
Discussed by	402. Krottner v. Starbucks Corp. ¶ 2009 WL 7382290, *4+ , W.D.Wash. This matter comes before the court on two motions. Plaintiffs move (Dkt. # 13) to consolidate this case with Lalli v. Starbucks Corporation, Case No. C09-389RAJ, a similar action...	Aug. 14, 2009	Case		1 4 S.Ct.
Discussed by	403. Griffin by Griffin v. West Allis Police Department ¶ 2022 WL 14115365, *3+ , E.D.Wis. This is one of two habeas petitions that "I. Griffin" filed in this district on behalf of Cherakei Griffin in June of 2021. On June 3, 2021, the petitioner filed this petition for...	Oct. 24, 2022	Case		10 11 12 S.Ct.



Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	404. Griffin v. Shoiab ¶ 2022 WL 2667022, *3+ , E.D.Wis. This is the second of two habeas petitions that “I. Griffin”—also known as Inez Griffin, Ieshuh Griffin and Isis Ariel Magdalah —filed on behalf of Cherakei Griffin in June of...	July 11, 2022	Case		10 11 12 S.Ct.
Discussed by	405. E.T. by Thames v. Milwaukee Police Department ¶ 2021 WL 1610103, *2+ , E.D.Wis. On February 4, 2020, the petitioner filed a petition for writ of habeas corpus under 28 U.S.C. § 2241. Dkt. No. 1. The petitioner paid the \$5.00 filing fee. This order screens the...	Apr. 26, 2021	Case		10 11 12 S.Ct.
Discussed by	406. Green by Next Friend Green v. Wisconsin ¶ 2020 WL 8181572, *1+ , E.D.Wis. Kenneth Green, as next friend of Joel Green, has filed a petition for a writ of habeas corpus, alleging that Joel Green is confined in the State of Wisconsin in violation of the...	Dec. 21, 2020	Case		10 11 12 S.Ct.
Discussed by	407. U.S. v. Rodrigues ¶ 2009 WL 1373614, *2+ , W.D.Wis. CRIMINAL JUSTICE - Counsel. Counsel's failure to walk defendant through his plea bargain did not constitute ineffective assistance of counsel for defendant's prosecution for...	May 14, 2009	Case		9 10 12 S.Ct.
Discussed by	408. Molina v. Kingston ¶ 2005 WL 1189835, *1+ , W.D.Wis. Donald Lee Pippin, Jr. has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on behalf of Sebastian Molina, who is named as the petitioner in this case. He...	May 18, 2005	Case		9 10 12 S.Ct.
Discussed by	409. T.W. v. Brophy 954 F.Supp. 1306, 1309+ , E.D.Wis. Child abuse prevention advocate brought action as children's next friend to challenge allegedly racially based foster care placement in which one child was abused. On motion to...	Aug. 20, 1996	Case		10 11 12 S.Ct.
Discussed by	410. Brewer v. U.S. ¶ 2005 WL 3536069, *1+ , N.D.W.Va. This case was referred to United States Magistrate Judge John S. Kaull for initial review and report and recommendation pursuant to Standing Order No. 4 and in accordance with...	Dec. 23, 2005	Case		9 10 12 S.Ct.
Discussed by	411. Brewer v. U.S. ¶ 2005 WL 3535156, *2+ , N.D.W.Va. On January 3, 2005, Darlene M. Nelson, on behalf of her boyfriend, Deon Brewer, an inmate at FCI-Elkton, filed a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct...	Sep. 19, 2005	Case		10 11 12 S.Ct.















Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	412. Harris v. Panepinto ¶ 830 F.Supp. 932, 934+ , S.D.W.Va. Food stamp applicants whose application was initially rejected based on inclusion of motor vehicle as accessible resource but who subsequently began receiving food stamps brought...	Aug. 19, 1993	Case		2 4 S.Ct.
Discussed by	413. Casiano-Cains v. College of Public Performance Producers 2013 WL 12234543, *7+ , D.Puerto Rico The instant case stems from a constitutional challenge of the Puerto Rico College of Public Performance Producers Act, Law No. 113 of 2005, 15 L.P.R.A. §§ 2012–2020 (“COPEP Act”)...	Sep. 30, 2013	Case		2 S.Ct.
Discussed by	414. Chardon-Dubos v. U.S. ¶ 2007 WL 776823, *2+ , D.Puerto Rico Before the Court is defendant's Motion to Dismiss. (Docket No. 14.) For the reasons that follow, the Court GRANTS defendant's motion. On January 3, 2006, plaintiff filed the...	Mar. 12, 2007	Case		2 7 S.Ct.
Discussed by	415. In re Opinions & Orders of this Court Addressing Bulk Collection of Data under the Foreign Intelligence Surveillance Act ¶ 2017 WL 427591, *4+ , Foreign Intel.Surv.Ct. Pending before the Court is the Motion of the American Civil Liberties Union, the American Civil Liberties Union of the Nation's Capital, and the Media Freedom and Information...	Jan. 25, 2017	Case		1 3 S.Ct.
Discussed by	416. Rosinski v. Shulkin ¶ 29 Vet.App. 183, 190+ , Vet.App. VETERANS — Disability Benefits. Attorney failed to establish an injury-in-fact required for standing to petition for writ of mandamus seeking access to unpromulgated rating...	Jan. 26, 2018	Case		1 3 S.Ct.
Discussed by	417. Town of Cedar Bluff v. Citizens Caring for Children ¶ 904 So.2d 1253, 1260+ , Ala. GOVERNMENT - Elections. Voter and citizens group lacked standing to challenge statute allowing election on alcohol sales in town.	Dec. 30, 2004	Case		2 3 S.Ct.
Discussed by	418. Ex parte Ray-EI ¶ 911 So.2d 1100, 1102+ , Ala.Crim.App. CRIMINAL JUSTICE - Habeas Corpus. Petitioner's habeas corpus petition filed failed to satisfy requirements for next-friend status.	July 23, 2004	Case		9 10 12 S.Ct.
Discussed by	419. State v. Brewer ¶ 826 P.2d 783, 789+ , Ariz. Defendant was convicted of first-degree murder of girlfriend and sentenced to death by the Superior Court, Coconino County, Nos. CR–13470, CR–13547, H. Jeffrey Coker, J. On...	Jan. 28, 1992	Case		6 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 420. Carrubba v. Moskowitz ” 877 A.2d 773, 786+ , Conn. GOVERNMENT - Immunity. Court-appointed attorney who represented child was entitled to absolute immunity with respect to actions made during representation.	July 26, 2005	Case		9 10 12 S.Ct.
Discussed by	421. In re Ross ” 866 A.2d 542, 545+ , Conn. CRIMINAL JUSTICE - Death Penalty. Father of condemned prisoner was not entitled to hearing on prisoner's competency to waive postconviction proceedings.	Jan. 25, 2005	Case		9 10 12 S.Ct.
Discussed by	422. Nonhuman Rights Project, Inc. v. R.W. Commerford and Sons, Inc. ” 216 A.3d 839, 842+ , Conn.App. AGRICULTURE — Animals. Elephants were not “persons” entitled to rights and protections afforded by writ of habeas corpus.	Aug. 20, 2019	Case		9 10 12 S.Ct.
Discussed by	423. Nonhuman Rights Project, Inc. ex rel. Beulah v. R.W. Commerford & Sons, Inc. ” 2017 WL 7053738, *3+ , Conn.Super. The petitioner, Nonhuman Rights Project, Inc., seeks a writ of habeas corpus on behalf of three elephants, Beulah, Minnie, and Karen, which are owned by the respondents, R.W....	Dec. 26, 2017	Case		9 10 12 S.Ct.
Discussed by	424. Moyer v. Warden 2009 WL 3839292, *2+ , Conn.Super. CRIMINAL JUSTICE - Habeas Corpus. A stay was warranted for a petitioner's habeas corpus proceeding for further competency evaluations of the petitioner.	Oct. 22, 2009	Case		9 10 12 S.Ct.
Discussed by	425. Missionary Soc. of Connecticut v. Board of Pardons and Paroles 2005 WL 736607, *2+ , Conn.Super. The Missionary Society of Connecticut (“society”) has brought an application for injunctive relief against the Connecticut Board of Pardons and Paroles (“board”). The society...	Jan. 19, 2005	Case		6 8 S.Ct.
Discussed by	 426. Johnson v. State ” 78 So.3d 1305, 1316+ , Fla. CRIMINAL JUSTICE - Counsel. Office of criminal conflict and civil regional counsel had no standing to challenge public defender's request to withdraw.	Jan. 05, 2012	Case		2 S.Ct.
Discussed by	 427. Terry v. State ” 668 So.2d 954, 961+ , Fla. Death Penalty. Death was disproportionate sentence for felony murder, armed robbery and principal to aggravated assault.	Jan. 04, 1996	Case		10 12 14 S.Ct.
Discussed by	 428. Durocher v. Singletary ” 623 So.2d 482, 484+ , Fla. Right to Counsel. Death row inmate, if competent, could waive right to collateral counsel.	Aug. 12, 1993	Case		10 11 12 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	429. Richardson v. Cervone ex rel. D.O.C. ¶ 116 So.3d 449, 450+ , Fla.App. 1 Dist. CRIMINAL JUSTICE - Postconviction Relief. Prisoner barred from further pro se filings could not avoid sanctions by having an inmate "friend" sign the petition on his behalf.	Feb. 08, 2013	Case		10 12 13 S.Ct.
Discussed by	430. Commonwealth v. Bredhold ¶ 599 S.W.3d 409, 417+ , Ky. CRIMINAL JUSTICE — Death Penalty. Indicted defendants lacked standing for pretrial challenge to constitutionality of death penalty as applied to offenders under age of 21.	Mar. 26, 2020	Case		4 5 S.Ct.
Discussed by	431. Central Nebraska Public Power and Irr. Dist. v. North Platte Natural Resources Dist. 788 N.W.2d 252, 260+ , Neb. REAL PROPERTY - Water. Irrigation district lacked standing to seek judicial review of natural resources district's ground water appropriation.	Aug. 27, 2010	Case		1 2 S.Ct.
Discussed by	432. State v. Baltimore ¶ 495 N.W.2d 921, 926+ , Neb. Defendant was convicted in the District Court, Douglas County, Jerry M. Gitnick, J., on separate counts of possessing controlled substance with intent to distribute, deliver or...	Feb. 26, 1993	Case		2 S.Ct.
Discussed by	433. State v. Berry ¶ 686 N.E.2d 1097, 1101+ , Ohio CRIMINAL JUSTICE - Death Penalty. Defendant was competent to forego further challenges to conviction or sentence and submit to death penalty.	Dec. 03, 1997	Case		12 13 14 S.Ct.
Discussed by	434. Com. v. Bronshtein ¶ 729 A.2d 1102, 1106+ , Pa. CRIMINAL JUSTICE - Postconviction Relief. Death row inmate's waiver of postconviction rights was valid.	Apr. 16, 1999	Case		10 12 14 S.Ct.
Discussed by	435. Commonwealth v. Ginn ¶ 2019 WL 1474219, *2+ , Pa.Super. Barbara Ginn (hereinafter, "Mother"), appeals pro se from the May 22, 2018 order dismissing the petition for writ of habeas corpus she filed on behalf of her son, Allen Ginn,...	Apr. 03, 2019	Case		10 12 S.Ct.
Discussed by	436. Reid v. State ¶ 197 S.W.3d 694, 706+ , Tenn. CRIMINAL JUSTICE - Postconviction Relief. A petitioner is incompetent to pursue post-conviction proceedings if he is unable manage his personal affairs.	June 26, 2006	Case		9 10 12 S.Ct.
Discussed by	437. State v. Elledge ¶ 26 P.3d 271, 277+ , Wash. CRIMINAL JUSTICE - Death Penalty. Defendant voluntarily waived direct review of death sentence.	July 05, 2001	Case		6 8 14 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	438. Commission Determination IN THE MATTER OF CERTAIN SEMICONDUCTOR CHIPS WITH MINIMIZED CHIP PACKAGE SIZE AND PRODUCTS CONTAINING SAME USITC Inv. No. 337-TA-605, 337-TA-605+ , U.S.Intern.Trade Com'n The Commission instituted this investigation on May 21, 2007, based on a complaint filed by Tessera, Inc. of San Jose, California ("Tessera") against Spansion, Inc. and Spansion,...	Nov 2011	Administrative Decision		—
Discussed by	439. IN THE MATTER OF CERTAIN SEMICONDUCTOR CHIPS WITH MINIMIZED CHIP PACKAGE SIZE AND PRODUCTS CONTAINING SAME INITIAL DETERMINATION ON VIOLATION OF SECTION 337 AND RECOMMENDED DETERMINATION ON REMEDY AND BOND USITC Inv. No. 337-TA-605, 337-TA-605+ , U.S.Intern.Trade Com'n I. BACKGROUND A. Institution and Procedural History B. The Parties 1. Complainant 2. Respondents C. Overview of the Technology D. The Patents At Issue E. The Products At Issue II....	Dec. 01, 2008	Administrative Decision		—
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Cited	33. Fretwell v. State 708 S.W.2d 630, Ark., 1986 Defendant was convicted in the Circuit Court, Searcy County, George F. Hartje, J., of capital murder and defendant appealed from sentence of death. The Supreme Court, Dudley, J.,...	Case			1731
Cited	34. Furman v. Georgia 92 S.Ct. 2726, U.S.Ga., 1972 Certiorari was granted to review decisions of the Supreme Court of Georgia, 225 Ga. 253, 167 S.E.2d 628, and 225 Ga. 790, 171 S.E.2d 501, affirming imposition of death penalty on...	Case			1731
Cited	35. Garnett v. Garnett 1874 WL 9435, Mass., 1874 By the law of this Commonwealth, a libel for divorce may be filed and prosecuted in behalf of an insane person, either by the guardian of the party, or by a next friend appointed...	Case			1727
Examined	36. Gilmore v. Utah 97 S.Ct. 436, U.S.Utah, 1976 After entering stay of execution, the United States Supreme Court held that convicted murderer who had been sentenced to death had made a knowing and intelligent waiver of any and...	Case		”	1722+
Cited	37. Golden v. Zwickler 89 S.Ct. 956, U.S.N.Y., 1969 Action for declaratory judgment and injunctive relief from operation of state statute. The United States District Court for the Eastern District of New York, 261 F.Supp. 985,...	Case			1724

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Cited	<p> 38. Goode v. State</p> <p>365 So.2d 381, Fla., 1978</p> <p>Direct appeal pursuant to statute was brought from judgment of the Circuit Court in and for Lee County, John H. Shearer, Jr., J., adjudging defendant guilty of murder in the first...</p>	Case			1733
Discussed	<p> 39. Gregg v. Georgia</p> <p>96 S.Ct. 2909, U.S.Ga., 1976</p> <p>Defendant was convicted in Georgia trial court of armed robbery and murder and was sentenced to death and he appealed. The Georgia Supreme Court, 233 Ga. 117, 210 S.E.2d 659,...</p>	Case		”	1730+
Mentioned	<p> 40. Groseclose ex rel. Harries v. Dutton</p> <p>594 F.Supp. 949, M.D.Tenn., 1984</p> <p>On petitions for habeas corpus relief for death-row inmate, the District Court, John T. Nixon, J., held that petitions were proven by preponderance of evidence that absence of the...</p>	Case			1727
Cited	<p>41. Gusman v. Marrero</p> <p>21 S.Ct. 293, U.S.La., 1901</p> <p>APPEAL from the Circuit Court of the United States for the Eastern District of Louisiana to review a decision dismissing a petition in an action for the release of a prisoner from...</p>	Case		”	1729
Cited	<p> 42. Harlow v. Fitzgerald</p> <p>102 S.Ct. 2727, U.S.Dist.Col., 1982</p> <p>Plaintiff brought suit for damages based on his allegedly unlawful discharge from employment in Department of Air Force. The United States District Court for the District of...</p>	Case			1735+
Cited	<p> 43. Heckler v. Chaney</p> <p>105 S.Ct. 1649, U.S.Dist.Col., 1985</p> <p>Prison inmates brought action to compel Food and Drug Administration to take enforcement action under the Federal Food, Drug, and Cosmetic Act with respect to drugs used for lethal...</p>	Case		”	1726
Cited	<p> 44. Judy v. State</p> <p>416 N.E.2d 95, Ind., 1981</p> <p>Defendant was convicted before the Superior Court, Morgan County, J. V., Bowles, Special Judge, of four counts of murder and was sentenced to death. On defendant's petition for...</p>	Case			1733

Treatment	Referenced Title	Type	Depth	Quoted	Page Number
Cited	<p> 45. Jurek v. Texas</p> <p>96 S.Ct. 2950, U.S.Tex., 1976</p> <p>Defendant was convicted in Texas trial court of murder and sentenced to death and he appealed. The Texas Court of Criminal Appeals, 522 S.W.2d 934, affirmed and certiorari was...</p>	Case		”	1730
Discussed	<p> 46. Lenhard v. Wolff</p> <p>100 S.Ct. 29, U.S., 1979</p> <p>On Application for Stay of Execution.</p>	Case			1722+
Cited	<p>47. Lenhard v. Wolff</p> <p>100 S.Ct. 3, U.S., 1979</p> <p>On application for a stay of prisoner's execution, which application was filed by two deputy public defenders individually and as next friends acting on behalf of the prisoner, the...</p>	Case			1722
Cited	<p> 48. Livingston v. Jefferson</p> <p>15 F.Cas. 660, C.C.D.Va., 1811</p> <p>This was an action of trespass, brought in the circuit court of the United States, for the district of Virginia, by Edward Livingston, a citizen of the state of New York, against...</p>	Case		”	1735
Mentioned	<p> 49. McCleskey v. Kemp</p> <p>107 S.Ct. 1756, U.S.Ga., 1987</p> <p>After defendant's convictions of murder and two counts of armed robbery and death sentence were affirmed by the Georgia Supreme Court, 245 Ga. 108, 263 S.E.2d 146, defendant...</p>	Case			1730
Mentioned	<p> 50. McKane v. Durston</p> <p>14 S.Ct. 913, U.S.N.Y., 1894</p> <p>Appeal from the circuit court of the United States for the southern district of New York. This was an application by John Y. McKane for a writ of habeas corpus to F. H. Durston,...</p>	Case			1729
Cited	<p>51. Morgan v. Potter</p> <p>15 S.Ct. 590, U.S.Kan., 1895</p> <p>On a Certificate from the United States Circuit Court of Appeals for the Eighth Circuit.</p>	Case			1727
Cited	<p>52. Morris v. U.S.</p> <p>399 F.Supp. 720, E.D.Va., 1975</p> <p>Federal prisoner brought habeas corpus petition and also sought reconsideration of parole determination, which court construed as petition for writ of mandamus. On respondent's...</p>	Case			1727





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Mentioned	<p> 53. Nash on Behalf of Takeshi Hashimoto v. MacArthur</p> <p>184 F.2d 606, D.C.Cir., 1950</p> <p>Simon J. Nash, on behalf of Takeshi Hashimoto, and others, who were Japanese Nationals convicted of war crimes by military commissions, petitioned for writs of habeas corpus and...</p>	Case			1727
Discussed	<p> 54. O'Shea v. Littleton</p> <p>94 S.Ct. 669, U.S.Ill., 1974</p> <p>Seventeen black and two white residents of Cairo, Illinois, brought a civil rights class action charging county magistrate and associate judge of county circuit court with...</p>	Case		”	1720+
Cited	<p> 55. Parklane Hosiery Co., Inc. v. Shore</p> <p>99 S.Ct. 645, U.S.N.Y., 1979</p> <p>A stockholder's class action was brought against corporation, its officers, directors, and stockholders who allegedly issued a materially false and misleading proxy statement. ...</p>	Case			1735
Cited	<p> 56. People v. Stanworth</p> <p>80 Cal.Rptr. 49, Cal., 1969</p> <p>Defendant was convicted upon pleas of guilty in the Superior Court, Contra Costa County, Norman A. Gregg, J., of two counts of murder, one count of kidnapping to commit murder with...</p>	Case		”	1732+
Cited	<p>  57. Proffitt v. Florida</p> <p>96 S.Ct. 2960, U.S.Fla., 1976</p> <p>Defendant was convicted in Florida trial court of first-degree murder and sentenced to death and he appealed. The Florida Supreme Court, 315 So.2d 461 affirmed and certiorari was...</p>	Case		”	1730+
Discussed	<p> 58. Pulley v. Harris</p> <p>104 S.Ct. 871, U.S.Cal., 1984</p> <p>State prisoner under sentence of death sought habeas corpus. The United States District Court for the Southern District of California, William B. Enright, J., denied relief. ...</p>	Case		”	1731+
Cited	<p> 59. Rees v. Peyton</p> <p>86 S.Ct. 1505, U.S.Va., 1966</p> <p>Habeas corpus proceeding. The United States District Court for the Eastern District of Virginia, at Alexandria, 225 F.Supp. 507, denied the relief sought and an appeal was taken. ...</p>	Case			1728

Treatment	Referenced Title	Type	Depth	Quoted	Page Number
Cited	60. Robertson v. State 765 S.W.2d 936, Ark., 1989 Defendant was convicted in the Circuit Court, Desha County, Paul K. Roberts, J., of capital murder. Defendant appealed. The Supreme Court, Newbern, J., held that: (1) trial...	Case			1731
Discussed	61. Rosenberg v. U.S. 73 S.Ct. 1152, U.S., 1953 Proceedings on the government's motion to vacate a stay of execution granted for convicts sentenced to death for having conspired to violate Espionage Act. The United States...	Case		”	1728+
Cited	62. Ross v. Moffitt 94 S.Ct. 2437, U.S.N.C., 1974 The United States District Court for the Western District of North Carolina, 341 F.Supp. 853, and the United States District Court for the Middle District of North Carolina denied...	Case			1729
Cited	63. Schlesinger v. Reservists Committee to Stop the War 94 S.Ct. 2925, U.S.Dist.Col., 1974 Action was brought for declaratory judgment and injunctive relief with respect to claim that armed forces reserve membership of members of Congress was in violation of the...	Case		”	1725+
Cited	64. Secretary of State of Md. v. Joseph H. Munson Co., Inc. 104 S.Ct. 2839, U.S.Md., 1984 Professional fund raiser brought action for declaratory and injunctive relief challenging 25% limit on charitable fund—raising expenses imposed by Maryland statute. The Circuit...	Case			1723
Certiorari Dismissed	65. Simmons v. State 766 S.W.2d 422, Ark., 1989 Defendant, who had been sentenced to death for murder following trial in Circuit Court, Polk County, John S. Patterson, J., filed petition requesting expedited review of his waiver...	Case		”	1720+
Certiorari Dismissed	66. Simmons v. State 766 S.W.2d 423, Ark., 1989 Petitioner has failed to show that he has standing to intervene in this cause. Franz v. State, 296 Ark. 181, 754 S.W.2d 839 (1988).	Case			1722

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Cited	<p> 67. Simon v. Eastern Kentucky Welfare Rights Organization</p> <p>96 S.Ct. 1917, U.S. Dist. Col., 1976</p> <p>Several indigents and organizations composed of indigents brought suit against Secretary of Treasury and Commissioner of Internal Revenue asserting that the IRS violated the...</p>	Case		”	1720+
Cited	<p> 68. Singer v. U.S.</p> <p>85 S.Ct. 783, U.S. Cal., 1965</p> <p>Mail fraud prosecution. The United States District Court for the Southern District of California, Central Division, rendered judgment, and defendant appealed. The United States...</p>	Case		”	1733+
Mentioned	<p> 69. Singleton v. Wulff</p> <p>96 S.Ct. 2868, U.S. Mo., 1976</p> <p>Two Missouri-licensed physicians brought action challenging constitutionality of Missouri statute excluding abortions that are not “medically indicated” from the purposes for which...</p>	Case			1723
Cited	<p> 70. Smith By and Through Missouri Public Defender Com'n v. Armontrout</p> <p>812 F.2d 1050, 8th Cir.(Mo.), 1987</p> <p>Public defender sought to present next-friend petition for habeas corpus relief on behalf of death-row inmate who declared that he wished to cease pursuit of postconviction relief...</p>	Case			1727+
Cited	<p>71. State v. Brooks</p> <p>495 N.E.2d 407, Ohio, 1986</p> <p>Defendant was convicted of three counts of aggravated murder and sentenced to three death penalties, to be carried out concurrently. The Court of Appeals, Cuyahoga County,...</p>	Case			1733
Cited	<p> 72. State v. Holland</p> <p>777 P.2d 1019, Utah, 1989</p> <p>Defendant was convicted of first-degree murder, and was sentenced to death, in the Third District Court, Summit County, Homer F. Wilkinson, J. Upon automatic appeal, the Supreme...</p>	Case			1733
Mentioned	<p> 73. Teague v. Lane </p> <p>109 S.Ct. 1060, U.S. Ill., 1989</p> <p>Petitioner, convicted of attempted murder and other offenses, filed habeas petition. The United States District Court for the Northern District of Illinois, William T. Hart, J.,...</p>	Case			1737

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Cited	<p> 74. Thompson v. Oklahoma</p> <p>108 S.Ct. 2687, U.S.Okla., 1988</p> <p>Defendant was convicted of first-degree murder and sentenced to death, by jury verdict, in the District Court of Grady County, James R. Winchester, J. Defendant appealed. The...</p>	Case			1729
Cited	<p> 75. U. S. ex rel. Toth v. Quarles</p> <p>76 S.Ct. 1, U.S.Dist.Col., 1955</p> <p>Habeas corpus proceeding instituted by sister of ex-serviceman arrested after discharge from Air Force and taken to Korea for trial by court-martial on charges of murder and...</p>	Case			1726+
Cited	<p> 76. U. S. v. Detroit Timber & Lumber Co. </p> <p>26 S.Ct. 282, U.S.Ark., 1906</p> <p>CROSS APPEALS from the United States Circuit Court of Appeals for the Eighth Circuit to review a decree of that court which, on appeal from a decree of the Circuit Court for the...</p>	Case			1719
Mentioned	<p> 77. U. S. v. Richardson</p> <p>94 S.Ct. 2940, U.S.Pa., 1974</p> <p>A taxpayer brought action in mandamus to compel the Secretary of the Treasury to publish an accounting of the receipts and expenditures of the Central Intelligence Agency and to...</p>	Case			1725+
Cited	<p> 78. U.S. Dept. of Labor v. Triplett</p> <p>110 S.Ct. 1428, U.S.W.Va., 1990</p> <p>Disciplinary proceeding was brought against attorney for allegedly collecting improper fees in black lung benefit cases. The Supreme Court of Appeals of West Virginia, Neely, J.,...</p>	Case			1734
Cited	<p>79. U.S. ex rel. Bryant v. Houston</p> <p>273 F. 915, C.C.A.2 (N.Y.), 1921</p> <p>Appeal from the District Court of the United States for the Southern District of New York. Petition of Mildred Bryant, on behalf of Harry Harris, against D. F. Houston, Secretary...</p>	Case		”	1727+
Mentioned	<p>80. U.S. ex rel. Funaro v. Watchorn</p> <p>164 F. 152, C.C.S.D.N.Y., 1908</p> <p>Habeas Corpus.</p>	Case			1727+
Mentioned	<p> 81. U.S. v. Raines</p> <p>80 S.Ct. 519, U.S.Ga., 1960</p> <p>The United States brought action under the Civil Rights Act against members of Board of Registrars and certain Deputy Registrars of Terrell County, Georgia, who had allegedly...</p>	Case			1726

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Distinguished	<p> 82. U.S. v. Students Challenging Regulatory Agency Procedures (SCRAP)</p> <p>93 S.Ct. 2405, U.S. Dist. Col., 1973</p> <p>Environmental group sought to enjoin enforcement of Interstate Commerce Commission orders allowing railroads to collect surcharge on freight rates pending adopting of selective...</p>	Case		”	1720+
Discussed	<p> 83. Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.</p> <p>102 S.Ct. 752, U.S. Pa., 1982</p> <p>Action was instituted for declaratory and injunctive relief against transfer of government property to religious organization without financial payment therefore. The United...</p>	Case		”	1723+
Discussed	<p> 84. Warth v. Seldin</p> <p>95 S.Ct. 2197, U.S. N.Y., 1975</p> <p>Various organizations and individuals resident in the Rochester, New York, metropolitan area brought suit against town adjacent to Rochester, and against members of zoning,...</p>	Case		”	1723+
Mentioned	<p> 85. Weber v. Garza</p> <p>570 F.2d 511, 5th Cir.(Tex.), 1978</p> <p>The United States District Court for the Western District of Texas, Adrian A. Spears, Chief Judge, refused to allow petitioner to file petition for habeas corpus relief on behalf...</p>	Case			1727
Cited	<p>86. Whitmore v. Arkansas</p> <p>109 S.Ct. 1522, U.S., 1989</p> <p>The application for stay of execution of sentence of death presented to Justice BLACKMUN and by him referred to the Court is granted pending the timely filing and disposition by...</p>	Case			1722
Cited	<p>87. Whitmore v. State</p> <p>756 S.W.2d 890, Ark., 1988</p> <p>Defendant was convicted in the Circuit Court, Scott County, Charles H. Eddy, J., of capital murder and sentenced to death by lethal injection. Appeal was taken. The Supreme...</p>	Case			1723+
Cited	<p>88. Wilson v. Lane</p> <p>870 F.2d 1250, 7th Cir.(Ill.), 1989</p> <p>Following hearing to determine whether habeas petition could be filed on behalf of death row inmate on next-friend basis, the United States District Court for the Southern District...</p>	Case			1727

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Cited	 89. Woodson v. North Carolina 96 S.Ct. 2978, U.S.N.C., 1976 Defendants were convicted in North Carolina trial court of first-degree murder and sentenced to death and they appealed. The North Carolina Supreme Court, 287 N.C. 578, 215 S.E.2d...	Case			1730
Discussed	 90. Zant v. Stephens 103 S.Ct. 2733, U.S.Ga., 1983 Georgia prisoner, sentenced to death for murder, sought federal habeas corpus. The United States District Court for the Middle District of Georgia, Wilbur D. Owens, Jr., Chief...	Case		”	1730+