

# Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

January 22, 2024

Molly C. Dwyer  
Clerk of the Court  
U.S. Court of Appeals for the Ninth Circuit  
P.O. Box 193939  
San Francisco, CA 94119-3939

Re: *Soto Palmer v. Trevino*, 23-35595

Dear Ms. Dwyer:

Pursuant to Rule 28(j), Appellants Alex Ybarra, Jose Trevino, and Ismael Campos (“Intervenors”) hereby submit the Supreme Court’s order list from today, January 22, 2024. That order list resolves the vast majority of petitions and requests considered at the Court’s January 19 conference.

At that conference, the Supreme Court considered both (1) Intervenors’ petition for a writ of certiorari before judgment in this case and (2) whether to accept jurisdiction in the related case, *Garcia v. Hobbs*, No. 23-467 (U.S.). The Supreme Court took no action in either of those two requests, and presumably will re-list them for consideration at the Court’s next conference. That non-action stands in stark contrast to virtually every other request considered at that January 19 conference, which were overwhelmingly denied. (The Supreme Court, for example, denies more than 95% of petitions for certiorari in the first conference in which they are considered.)

The Supreme Court’s inaction in both this case and *Garcia* thus indicate that the Supreme Court is seriously entertaining taking action in one or both cases. This development thus militates in favor of the abeyance sought by Intervenors so that the structure and schedule of briefing in this appeal can account for any action by the Supreme Court.

# Holtzman Vogel

---

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

Respectfully submitted,

/s/ Jason B. Torchinsky

JASON B. TORCHINSKY

*Counsel of Record*

HOLTZMAN VOGEL BARAN

TORCHINSKY & JOSEFIAK PLLC

15405 John Marshall Highway

Haymarket, VA 20169

(540) 341-8808 (telephone)

[jtorchinsky@holtzmanvogel.com](mailto:jtorchinsky@holtzmanvogel.com)

*Counsel for Appellants*

cc: All Counsel of Record Via ECF

(ORDER LIST: 601 U.S.)

MONDAY, JANUARY 22, 2024

ORDERS IN PENDING CASES

23A349 ) OHIO, ET AL. V. EPA, ET AL.  
          )  
23A350 ) KINDER MORGAN, INC., ET AL. V. EPA, ET AL.  
          )  
23A351 ) AM. FOREST & PAPER ASSN., ET AL. V. EPA, ET AL.  
          )  
23A384 ) U.S. STEEL CORP. V. EPA, ET AL.

The motion of applicants for divided argument is granted.  
The motion of the Solicitor General for divided argument is granted.

141, ORIG. TEXAS V. NEW MEXICO, ET AL.

The exception to the Third Interim Report of the Special Master is set for oral argument in due course.

22-1078 WARNER CHAPPELL MUSIC, ET AL. V. NEALY, SHERMAN, ET AL.

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

23-210 ) JORDAN, CHRISTINA V. HOWELL, KARLA  
          )  
23-260 ) ERWIN, DANIEL V. HOWELL, KARLA

The joint motion to hold petitions in abeyance is granted.

23-6275 HUGHES, SAMUEL T. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until February 12, 2024, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

**CERTIORARI GRANTED**

22-7466 GLOSSIP, RICHARD E. V. OKLAHOMA

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. In addition to the questions presented, the parties are directed to brief and argue the following question: Whether the Oklahoma Court of Criminal Appeals' holding that the Oklahoma Post-Conviction Procedure Act precluded post-conviction relief is an adequate and independent state-law ground for the judgment. Justice Gorsuch took no part in the consideration or decision of this motion and this petition.

**CERTIORARI DENIED**

23-259 LEWIS COUNTY, KY, ET AL. V. HELPHENSTINE, JULIE

23-329 YIM, CHONG, ET AL. V. SEATTLE, WA

23-363 PORTER, STEPHEN R. V. BOARD OF TRUSTEES OF NC, ET AL.

23-405 ROSS, KRISTY V. FTC

23-414 ARCHER, DEVON V. UNITED STATES

23-504 PHOTOPLAZA, INC., ET AL. V. HERBAL BRANDS, INC.

23-530 YOAST, TERRENCE R. V. POTTSTOWN BOROUGH, PA, ET AL.

23-534 OTOH, PETER V. U.S. BANK TRUST, ET AL.

23-536 MERLO, KENDALL V. WARREN, INGRID

23-539 DE BOTTON, RAYMOND V. QUALITY LOAN SERV. CORP., ET AL.

23-545 MBANDI, ACHASHVEROSH, ET AL. V. PANGEA ADVENTURES LLC, ET AL.

23-546 CORP. MANAGEMENT, INC., ET AL. V. U.S., EX REL. ALDRIDGE, ET AL.

23-549 JEAN-BAPTISTE, HAROLD V. DEPT. OF JUSTICE, ET AL.

23-567 SUPERIOR WELL SERVICES, INC. V. AMERICAN HOME ASSURANCE, ET AL.

23-572 WILLIAMS, DUSTIN, ET AL. V. McELHANEY, RANDALL

23-576 ABDULLA, SOHAIL M. V. SOUTHERN BANK

23-596 KENNO, YOSEPH Y. V. CO GOVERNOR'S OFF. OF IT, ET AL.  
23-640 SMITH, CALEB A. C. V. UNITED STATES  
23-641 MILLER, DAISY V. UNITED STATES  
23-681 DIAMOND J. WHOLESALE, LLC V. TOP TOBACCO, L.P., ET AL.  
23-5654 JOHNSON, DAQUAIL R. V. VIRGINIA  
23-5857 MOODY, JEREMY V. GEORGIA  
23-5968 LANGSTON, RICHARD V. CONNECTICUT  
23-5990 SIMMONS, KIRK A. V. SCARANTINO, THOMAS  
23-6009 AUSTIN, MARIO V. AMERICAN BUILDING CO.  
23-6027 SWEET, CHRISTY K. V. SWEET, KATHRYN, ET AL.  
23-6046 MELTON, ANTONIO L. V. FLORIDA  
23-6053 NIXON, NATHAN V. FLORIDA  
23-6055 DEBORA D. V. JOHN D., ET AL.  
23-6056 SORBEL, TALTHIA V. SD, EX REL. SD SOCIAL SERV.  
23-6064 KIMBROUGH, ANTHONY V. OKLAHOMA  
23-6066 WILLIAMS, KIRK L. V. WASHINGTON  
23-6071 TAKHVAR, CHRISTOPHER L. V. WARNER BROS. INC., ET AL.  
23-6073 SHIRLEY, WILLIAM V. HARPE, DIR., OK DOC  
23-6088 HAMILTON, ALPHEUS E. V. ARIZONA  
23-6089 BLOCKSON, CHRISTOPHER L. V. OLIVER, WARDEN, ET AL.  
23-6091 LEE, VALENTINO B. V. DIXON, SEC., FL DOC  
23-6093 FINN, GEORGE H. V. NEW YORK, ET AL.  
23-6099 GALLEGOS, CARLOS N. V. TEXAS  
23-6213 POLIERO, ROBERT V. UNITED STATES  
23-6217 DE LA CRUZ LEYVA, UBALDO V. UNITED STATES  
23-6218 SMITH, SHAQUILLE D. V. UNITED STATES  
23-6219 RODRIGUES-BARIOS, MANUEL V. UNITED STATES  
23-6220 SMITH, DANIEL T. V. UNITED STATES

23-6221 CARRILLO-LOPEZ, GUSTAVO V. UNITED STATES  
23-6224 DAUM, TERRY V. COREY, SUPT., AUBURN  
23-6231 PARKS, KYLE M. V. UNITED STATES  
23-6234 ROBINSON, HARLAND L. V. COMPASS GROUP USA, INC.  
23-6235 ROMERO, JOHN S. V. UNITED STATES  
23-6236 DICKEY, JOSEPH R. V. WARDEN, FCI MARIANNA  
23-6240 GONZALEZ-LUNAR, JESUS S. V. UNITED STATES  
23-6242 MORA-CARRILLO, FRANCISCO V. UNITED STATES  
23-6245 LOPEZ-ARELLANO, DONATO V. UNITED STATES  
23-6251 RODRIGUEZ, JONATHAN V. UNITED STATES  
23-6252 GUERRERO-LAZARO, JUAN A. V. UNITED STATES  
23-6259 OGLE, BRYAN L. V. UNITED STATES  
23-6263 ABAD, FREDDY V. UNITED STATES  
23-6264 SALCIDO, IGNACIO V. UNITED STATES  
23-6269 HAND, YAVONNE V. UNITED STATES  
23-6277 GUTIERREZ-GARCIA, FIDEL V. UNITED STATES  
23-6279 ROBLES-PEREZ, ISMAEL V. UNITED STATES  
23-6285 PAIVA, KENNETH V. UNITED STATES  
23-6286 PARKS, KYLE M. V. UNITED STATES  
23-6292 CROWELL, RAY O. V. SEVIER, WARDEN  
23-6297 HEWLETT, KEVIN V. UNITED STATES  
23-6299 HOLLOWELL, JOVON M. V. UNITED STATES  
23-6302 CRAWFORD, ROBERT L. V. UNITED STATES  
23-6311 CLUM, DAVID V. UNITED STATES  
23-6314 STEVENSON, DANA J. V. UNITED STATES  
23-6318 DANIEL, WILLIAM J. V. UNITED STATES  
23-6319 DOW, LACARL V. UNITED STATES  
23-6320 SALAZAR-RAMIREZ, SANTIAGO V. UNITED STATES

23-6330 GHALOUSTIAN, RAYMOND V. UNITED STATES  
23-6331 MOORE, HANNIBAL V. UNITED STATES  
23-6332 RIVERA-LOPEZ, ANTONIO M. V. UNITED STATES  
23-6333 GUEVARA TRIANA, NORA G. V. UNITED STATES  
23-6335 WALKER, DEVONNE L. V. UNITED STATES  
23-6336 GARIBAY MENDOZA, JAVIER V. UNITED STATES  
23-6339 GUZMAN, JUAN V. UNITED STATES  
23-6343 BOWIE, PATRICK V. MILLER, SUPT., GREEN HAVEN  
23-6346 JORDAN, WALTER F. V. UNITED STATES  
23-6347 BELL, TRAYONE L. V. UNITED STATES  
23-6351 TERRY, JEROME V. UNITED STATES  
23-6357 SMITH, DALTON L. V. UNITED STATES  
23-6375 SELLS, MARK E. V. UNITED STATES

The petitions for writs of certiorari are denied.

23-208 KEREN KAYEMETH LeISRAEL, ET AL. V. EDUCATION FOR A JUST PEACE

The motion of National Jewish Advocacy Center, et al. for leave to file a brief out of time as *amici curiae* is denied. The petition for a writ of certiorari is denied.

**MANDAMUS DENIED**

23-518 IN RE HENRY KLEIN

23-6137 IN RE RONALD BOYAJIAN

The petitions for writs of mandamus are denied.

23-6035 IN RE KINLEY MACDONALD

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of mandamus is dismissed. See Rule 39.8. Justice Barrett took no part in the consideration or decision of this motion and this petition.

23-6152 IN RE MICHAEL A. RUFUS

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

**REHEARINGS DENIED**

22-7790 RAY, LANCEY D. V. OKLAHOMA

23-200 CHAE, BYUNGMIN V. YELLEN, SEC. OF TREASURY, ET AL.

23-5218 IN RE JEROME CURRY

23-5356 JAMES, TREQUAN D. V. VIRGINIA

23-5614 JORDAN, ELLISON O. V. PA STATE UNIVERSITY, ET AL.

The petitions for rehearing are denied.

22-5330 WADE, DEMETRIUS J. V. CLARKE, DIR., VA DOC

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