

(ORDER LIST: 575 U.S.)

MONDAY, MARCH 9, 2015

CERTIORARI -- SUMMARY DISPOSITION

14-392 UNIVERSITY OF NOTRE DAME V. BURWELL, SEC. OF H&HS, ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Seventh Circuit for further consideration in light of *Burwell v. Hobby Lobby Stores, Inc.*, 573 U. S. ____ (2014).

ORDERS IN PENDING CASES

14M90 OROS, MICHAEL S. V. CIR

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

14M91 EILER, ERIN V. AVERA MCKENNAN HOSP., ET AL.

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

14M92 OBY, SHERMON V. STURDIVANT, ROBERT, ET AL.

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

13-895 AL LEGIS. BLACK CAUCUS, ET AL. V. ALABAMA, ET AL.

The motion of appellees for leave to file a supplemental brief after argument is granted.

13-1412 SAN FRANCISCO, CA, ET AL. V. SHEEHAN, TERESA

The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted. Justice Breyer took no part in the consideration or decision of this motion.

- 14-46) MICHIGAN, ET AL. V. EPA, ET AL.
)
14-47) UTILITY AIR REGULATORY GROUP V. EPA, ET AL.
)
14-49) NATIONAL MINING ASSOC. V. EPA, ET AL.

The motions for enlargement of time and for divided argument are granted.

- 14-656 RJR PENSION INVESTMENT, ET AL. V. TATUM, RICHARD G.

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

CERTIORARI GRANTED

- 14-7505 HURST, TIMOTHY L. V. FLORIDA

The motion of petitioner for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted limited to the following question: Whether Florida's death sentencing scheme violates the Sixth Amendment or the Eighth Amendment in light of this Court's decision in *Ring v. Arizona*, 536 U. S. 584 (2002).

CERTIORARI DENIED

- 14-615 JONES, CAROLYN, ET AL. V. WAGNER, TERESA R.
14-625 OPALINSKI, DAVID, ET AL. V. ROBERT HALF INT'L, ET AL.
14-647 GILEAD SCIENCES, ET AL. V. NATCO PHARMA, ET AL.
14-650 JANKO, ABDUL RAHIM RAZAK AL V. GATES, ROBERT M., ET AL.
14-658 CENTER FOR CONSTITUTIONAL RIGHTS V. CIA, ET AL.
14-660 CETINA, HENRY V. WESTCHESTER COUNTY, NY
14-756 LUNDIN, CHRISTOPHER V. MACOMBER, WARDEN
14-764 BEREZOWSKY, MICHELLE G. V. OJEDA, PABLO A.
14-767 WALKER, KEITH P. V. MICHIGAN
14-768 ZWICKER & ASSOCIATES V. BURTON, CLINTON
14-769 PREMIUM BALLOON ACCESSORIES V. CREATIVE BALLOONS MFG., INC.

14-778 MARTIN, JAMES V. NATIONAL GENERAL ASSURANCE
14-782 STAIR, JUSTIN V. MICHIGAN
14-789 McMULLAN, ANGELO V. BOOKER, WARDEN
14-846 HO, NHAM V. NEW YORK
14-863 PHILIPS SOUTH BEACH, LLC V. JPMCC 2005-CIBC13 COLLINS
14-892 HINKLE, BOBBY J. V. McDONALD, SEC. OF VA
14-918 CRAPSER, ERIC M. V. FLORIDA
14-947 CONFEDERATED TRIBES, ET AL. V. McKENNA, ATT'Y GEN. OF WA
14-956 PHILLIPS, LLOYD J. V. McDONALD, SEC. OF VA
14-971 HRD CORPORATION V. DOW CHEMICAL CANADA INC., ET AL.
14-5536 LeCROY, WILLIAM E. V. UNITED STATES
14-6899 CHAPLIN, JAMES V. BECHTOLD, WARDEN, ET AL.
14-6980 BASILE, BARBARA V. UNITED STATES
14-6982 McTAW, MARQUIS V. UNITED STATES
14-7038 GONZALEZ-MEDINA, NAZARIO V. UNITED STATES
14-7210 FONDREN, PHILLIP V. THOMAS, COMM'R, AL DOC, ET AL.
14-7349 FOWLER, ELRICO D. V. JOYNER, WARDEN
14-7399 NEYLAND, CALVIN V. OHIO
14-7777 MICHAEL, HUBERT V. WETZEL, SEC., PA DOC, ET AL.
14-7783 DIXON, TITIANA M. V. WACHTENDORF, WARDEN
14-7831 SIMS, MELVIN V. ILLINOIS
14-7835 SABIN, JIMMY L. V. KARBER, STEVEN, ET AL.
14-7836 DUMAS, BETTY J., ET AL. V. DECKER, CHARLES, ET AL.
14-7838 CHILINSKI, MIKE K. V. MONTANA
14-7840 MANGES, TIMOTHY P. V. NEAL, SUPT., IN
14-7842 TOLIVER, SAMUEL R. V. ARTUS, SUPT., WENDE
14-7845 SORO, LUIS A. V. SORO, JOSE L.
14-7848 SCHWARZ, MICHAEL V. DAVIS, WARDEN

14-7850 ALLISON, MICHAEL D. V. BRIDGEPORT, IL, ET AL.
14-7852 AHMAD, BADIH A. V. STEPHENS, DIR., TX DCJ
14-7853 ALVAREZ, ROLAND S. V. STEPHENS, DIR., TX DCJ
14-7854 NATION, ANTHONY V. SOUTH CAROLINA
14-7859 TAFFARO, MICHAEL V. NEW JERSEY
14-7861 TWEED, REXFORD V. COBURN, LINDA T., ET AL.
14-7864 READ, MARINA V. DE BELLEFEUILLE, DENISE, ET AL.
14-7865 BOWLING, JOHN R. V. APPALACHIAN FEDERAL CREDIT UNION
14-7866 BOYKINS, DEWAYNE V. HOBBS, DIR., AR DOC
14-7868 DOTSON, JESSIE V. TENNESSEE
14-7965 TYLER, MORRIS V. CARTLEDGE, WARDEN
14-7999 GOZA, MICHAEL V. WELCH, WARDEN
14-8288 WILLIAMS, BRYDEN R. V. NEW JERSEY
14-8297 SIMMONS, SAMUEL V. FL COMM'N ON OFFENDER REVIEW
14-8306 SCHMITT, KENNETH V. UNITED STATES
14-8310 ANAYA, JESUS V. UNITED STATES
14-8318 OSWALT, JAY V. UNITED STATES
14-8335 RODRIGUEZ, RAYMUNDO V. UNITED STATES
14-8341 RODRIGUEZ-NEGRETE, RODRIGO V. UNITED STATES
14-8343 WALKER, MICHAEL E. V. UNITED STATES
14-8345 DAVILA-FELIX, CARLOS V. UNITED STATES
14-8346 COX, LIONEL V. UNITED STATES
14-8353 DAVIS, THOMAS V. UNITED STATES
14-8363 GONZALEZ, GUSTAVO V. UNITED STATES
14-8364 KATES, DERREK S. V. UNITED STATES
14-8369 FERGUSON, DWAYNE V. UNITED STATES
14-8371 STOREY, MATTHEW S. V. UNITED STATES

14-8373 CHRISTIANSEN, ROBERT A. V. UNITED STATES

The petitions for writs of certiorari are denied.

13-1361 SAMANTAR, MOHAMED A. V. YOUSUF, BASHE, ET AL.

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

14-7834 LAVERGNE, BRANDON S. V. BUSTED IN ACADIANA

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

14-8004 DYCHES, LENNELL V. MARTIN, KAREN

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

HABEAS CORPUS DENIED

14-8444 IN RE ANDREW L. JOHNSON

The petition for a writ of habeas corpus is denied.

14-8412 IN RE BERNARD RHODES

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

REHEARINGS DENIED

14-382 DAVIS, TERRENCE A. V. DAVIS, DANIELE A., ET AL.

14-5360 McFARLAND, JAMES V. UNITED STATES

14-6631 CORTES, JORGE V. CREWS, SEC., FL DOC

14-6799 WHITE, WILLIAM M. V. JONES, SEC., FL DOC, ET AL.

14-6857 CUSTIS, RYRICKA N. V. CLARKE, DIR., VA DOC

14-7226 WOODS, JIMMY D. V. ARIZONA, ET AL.

14-7329 KING, RICHARD A. V. UNITED STATES

14-7452 ASHE, KENNETH V. UNITED STATES

14-7547 CHAMBERS, ROSCOE V. UNITED STATES

The petitions for rehearing are denied.

Decree

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 126, Orig.

STATE OF KANSAS, PLAINTIFF *v.* STATE OF
NEBRASKA, ET AL., DEFENDANTS

ON BILL OF COMPLAINT

[March 9, 2015]

DECREE

The Court having exercised original jurisdiction over this controversy between three sovereign States; the issues having been tried before the Special Master appointed by the Court; the Court having received briefs and heard oral argument on the parties' exceptions to the Report of the Special Master; and the Court having issued its opinion on all issues announced in *Kansas v. Nebraska*, 574 U. S. ____ (2015), IT IS HEREBY ORDERED, ADJUDGED, DECLARED AND DECREED AS FOLLOWS:

1. The RRCA Accounting Procedures are hereby reformed as shown on the attached Appendix to be effective for the accounting of Compact Year 2007 and thereafter.
2. Nebraska is not liable for evaporative losses from Harlan County Lake during 2006.
3. Evaporation from the Non-Federal Reservoirs located in Nebraska is a Beneficial Consumptive Use under the Compact and must be accounted for as such.
4. Nebraska's consumption in 2005 and 2006 exceeded its Compact allocation by 70,869 acre feet, said amount equaling the combined rather than average exceedences

Decree

for those two years.

5. Nebraska must pay Kansas within sixty (60) days of the date of this Order, Five Million Five Hundred Thousand Dollars (\$5,500,000.00).

6. Except as herein provided, the claims of all parties in this action are denied and their prayers for relief dismissed with prejudice.

7. The parties' respective responsibilities for the fees and costs awarded to the Special Master are as follows: Kansas (40%); Nebraska (40%); and Colorado (20%).

8. The parties' previous payments made to the Special Master and the printer of the Report of the Special Master discharge in full their respective obligations to pay for or share among themselves fees and costs awarded to the Special Master together with any costs that might have otherwise been assessed in this action.

9. The Court retains jurisdiction to entertain such further proceedings, enter such orders, and issue such writs as it may from time to time deem necessary or desirable to give proper force and effect to this Decree.

Appendix to Decree

APPENDIX

Changes to the Accounting Procedures

III A 3. Imported Water Supply Credit Calculation:

The amount of Imported Water Supply Credit shall be determined by the RRCA Groundwater Model. The Imported Water Supply Credit of a State shall not be included in the Virgin Water Supply and shall be counted as a credit/offset against the Computed Beneficial Consumptive Use of water allocated to that State. Currently, the Imported Water Supply Credits shall be determined using two runs of the RRCA Groundwater Model:

- a. The “base” run shall be the run with all groundwater pumping, groundwater pumping recharge, and surface water recharge within the model study boundary for the current accounting year turned “on.” ~~This will be the same “base” run used to determine groundwater Computed Beneficial Consumptive Uses.~~
- b. The “no NE import” run shall be the run with the same model inputs as the base run with the exception that surface water recharge associated with Nebraska’s Imported Water Supply shall be turned “off.” This will be the same “no NE import” run used to determine groundwater Computed Beneficial Consumptive Uses.

The Imported Water Supply Credit shall be the difference in stream flows between these two model runs. Differences in stream flows shall be determined at the same locations as identified in Subsection III.D.1 for the “no pumping” runs.

Should another State import water into the Basin in the future, the RRCA will develop a similar procedure to determine Imported Water Supply Credits.

Appendix to Decree

III D. Calculation of Annual Computed Beneficial Consumptive Use**1. Groundwater**

Computed Beneficial Consumptive Use of groundwater shall be determined by use of the RRCA Groundwater Model. The Computed Beneficial Consumptive Use of groundwater for each State shall be determined as the difference in streamflows using two runs of the model:

The “~~base-no NE import~~” run shall be the run with all groundwater pumping, groundwater pumping recharge, and surface water recharge within the model study boundary for the current accounting year “on”, with the exception that surface water recharge associated with Nebraska’s Imported Water Supply shall be turned “off.”

The “no State pumping” run shall be the run with the same model inputs as the “~~base-no NE import~~” run with the exception that all groundwater pumping and pumping recharge of that State shall be turned “off.”

An output of the model is baseflows at selected stream cells. Changes in the baseflows predicted by the model between the “~~base-no NE import~~” run and the “no-State-pumping” model run is assumed to be the depletions to streamflows. *i.e.*, groundwater computed beneficial consumptive use, due to State groundwater pumping at that location. The values for each Sub-basin will include all depletions and accretions upstream of the confluence with the Main Stem. The values for the Main Stem will include all depletions and accretions in stream reaches not otherwise accounted for in a Sub-basin. The values for the Main Stem will be computed separately for the reach above Guide Rock, and the reach below Guide Rock.

*Taken from the August 12, 2010, Accounting Procedures.