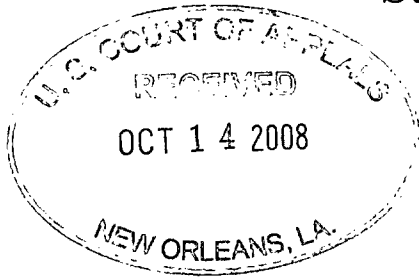


**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**



October 6, 2008

William K. Suter
Clerk of the Court
(202) 479-3011

Clerk
United States Court of Appeals for the Fifth Circuit
600 S. Maestri Place
New Orleans, LA 70130

U.S. COURT OF APPEALS
FILED

OCT 15 2008

CHARLES R. FULBRIGHT
CLERK

Re: David Kay and Douglas Murphy
v. United States
No. 07-1281
(Your No. 05-20604)

Dear Clerk:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in cursive script that reads "William K. Suter".

William K. Suter, Clerk

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

October 15, 2008

Mr Michael N Milby, Clerk
Southern District of Texas, Houston
United States District Court
Room 1217
515 Rusk Street
Houston, TX 77002

No. 05-20604 USA v. Kay
USDC No. 4:01-CR-914-1

Enclosed is a copy of the Supreme Court order denying certiorari.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

Charlene A. Vogelaar

By: _____

Charlene Vogelaar, Deputy Clerk
504-310-7648

MDT-1