

University of Miami Law Review

Volume 70
Number 4 *Volume 70 Number 4 (Summer 2016)*

Article 1

8-1-2016

Front Matter and Table of Contents

Follow this and additional works at: <https://repository.law.miami.edu/umlr>

Recommended Citation

Front Matter and Table of Contents, 70 U. Miami L. Rev. Iss. 4 (2016)
Available at: <https://repository.law.miami.edu/umlr/vol70/iss4/1>

This Prefatory Matter is brought to you for free and open access by the Journals at University of Miami School of Law Institutional Repository. It has been accepted for inclusion in University of Miami Law Review by an authorized editor of University of Miami School of Law Institutional Repository. For more information, please contact library@law.miami.edu.

University of Miami Law Review

VOLUME 70

SUMMER 2016

NUMBER 4

FOREWORD

Hon. Darrin P. Gayles 1063

ARTICLES

ISIS'S GET RICH QUICK SCHEME: SELL THE WORLD'S CULTURAL HERITAGE ON THE BLACK MARKET—PURCHASERS OF ISIS-LOOTED SYRIAN ARTIFACTS ARE NOT CRIMINALLY LIABLE UNDER THE NSPA AND THE MCCLAIN DOCTRINE IN THE ELEVENTH CIRCUIT *Lindsey Lazopoulos Friedman* 1068

SENTENCE STRUCTURE: PROHIBITING "SECOND OR SUCCESSIVE" HABEAS PETITIONS AFTER *PATTERSON V. SECRETARY* *Christina M. Frohock* 1098

HURST V. FLORIDA'S HA'P'ORTH OF TAR: THE NEED TO REVISIT *CALDWELL, CLEMONS, AND PROFFITT* *Craig Trocino & Chance Meyer* 1118

THAT '70S SHOW: WHY THE 11 TH CIRCUIT WAS WRONG TO RELY ON CASES FROM THE 1970S TO DECIDE A CELL-PHONE TRACKING CASE *David Oscar Markus & Nathan Freed Wessler* 1179

NOTES

NEITHER STRICT NOR NUANCED: THE BALANCED STANDARD FOR FALSE CLAIMS ACT PLEADING IN THE ELEVENTH CIRCUIT *C. Caitlin Giles* 1212

Cellphones, Stingrays, and Searches! AN INQUIRY INTO THE LEGALITY OF CELLULAR LOCATION INFORMATION *Jeremy H. D'Amico* 1252

ONE OF THESE INTERNS IS NOT LIKE THE OTHERS: HOW THE ELEVENTH CIRCUIT MISAPPLIED THE "TWEAKED PRIMARY BENEFICIARY" TEST TO REQUIRED CLINICAL INTERNSHIPS *Samuel C. Goodman* 1302

STATEMENT OF EDITORIAL POLICY

The *University of Miami Law Review* (ISSN 0041-9818) is published quarterly during the fall, winter, spring, and summer by the students of the University of Miami School of Law. Periodicals postage paid at Miami, Florida and additional mailing offices. POSTMASTER: Send address changes to *University of Miami Law Review*, 1311 Miller Drive, University of Miami School of Law, B-349 Law Library, Coral Gables, FL 33124.

SUBSCRIPTIONS: One year's subscription for four issues / one volume is \$50.00 for domestic mailing and \$60.00 for international mailing, payable in advance. Single issues are \$15.00. Address your order to *University of Miami Law Review*, 1311 Miller Drive, B-349 Law Library, Coral Gables, FL 33124. If the *University of Miami Law Review* does not receive notice of termination before the expiration of the subscription, it will be automatically renewed. Because the *University of Miami Law Review* holds back issues at its editorial offices for a limited time only, subscribers should report non-receipt of an issue within six months of its mailing or one month following receipt of a succeeding issue.

SINGLE AND BACK ISSUES: Each issue of Volume 70 of the *Review* can be purchased for \$15.00 from the *University of Miami Law Review*. Back issues of Volumes 1–69 are available through William S. Hein and Company, Inc., 1285 Main Street, Buffalo, New York 14209, (800) 828-7571. Back issues can also be found in electronic format on HeinOnline (<http://heinonline.org>).

SUBMISSIONS: The *University of Miami Law Review* invites the submission of unsolicited articles. All submissions should conform to *The Bluebook: A Uniform System of Citation* (19th ed. 2010). In general, the *University of Miami Law Review* follows *The Redbook: A Manual on Legal Style* (3d ed. 2013) on grammar, style, and usage. Authors seeking publication in the *University of Miami Law Review* should submit manuscripts electronically and in Microsoft Word format. For more information, please visit us online at <http://lawreview.law.miami.edu/>.

COPYRIGHT: Copyright © 2015 by the *University of Miami Law Review*. The author of each article published in the *Review* grants permission for copies of that article to be made and used for classroom use, provided that the user identifies the author and the journal, affixes proper notice of copyright to each copy, and sends notice and a description of the use to the *University of Miami Law Review*. In addition, the author of each article grants the *University of Miami Law Review* the right to authorize the publication, reproduction, and distribution of the article in electronic, computerized-retrieval systems, and similar forms, and to transfer such rights. For reprint permission for purposes other than classroom use, please contact the *University of Miami Law Review* at the above address, or fax (305) 284-5632. Please allow at least one business week for processing.

Univeristy of Miami Law Review

ADVISORY BOARD

ROY BLACK

SCOTT E. BYERS

HON. A. JAY CRISTOL

JARET L. DAVIS

FREDDY FUNES

ELIZABETH A. GONZALEZ

GEORGE HARPER

CHARLES KLINE

GUY LEWIS

ALVIN LINSDAY

JOSEPH MAMOUNAS

STEVEN MARKS

ADAM MOSKOWITZ

MICHAEL NACHWALTER

REBKAH J. POSTON

PETER PRIETO

JOE SEROTA

HON. THOMAS E. SCOTT

BRIAN W. TOTH

HARLEY S. TROPIN

UNIVERSITY OF MIAMI SCHOOL OF LAW

ADMINISTRATION

Julio Frenk, M.D., M.P.H., Ph.D., *President of the University*
Thomas J. LeBlanc, B.S., M.S., Ph.D., *Provost & Executive Vice President*
Patricia D. White, B.A., M.A., J.D., *Dean & Professor of Law*
Scott Sundby, B.A., J.D., *Associate Dean for Faculty Development, Dean's Distinguished Scholar & Professor of Law*
Kele Stewart, B.S., J.D., *Associate Dean for Experiential Learning, Co-Director of the Children & Youth Law Clinic & Professor of Clinical Legal Education*
Ileana Porras, B.A., M.Phil., J.D., *Associate Dean of Academic Affairs*
Raquel M. Matas, B.A., J.D., *Associate Dean for Administration and Counsel to the Dean*
Harold Flegelman, B.A., J.D., *Associate Dean for the Adjunct Faculty & Director of the Graduate Program in Entertainment, Arts and Sports Law*
Georgina Angones, B.A., *Assistant Dean for Law Development and Alumni Relations*
Marcelyn Cox, B.A., J.D., *Assistant Dean, Career Development Office*
Michael L. Goodnight, B.A., M.S., *Associate Dean of Admissions and Enrollment Management*
Marni B. Lennon, B.A., Ms.Ed., J.D., *Assistant Dean for Public Interest and Pro Bono, Director, HOPE Public Interest Resource Center*
Greg Levy, B.A., J.D., *Assistant Dean of Academic Affairs and Student Services*
Janet E. Stearns, B.A., J.D., *Dean of Students*
William P. VanderWyden, III, B.A., M.Ed., J.D., *Assistant Dean for Professional Development*

FACULTY

David Abraham, B.A., M.A., Ph.D., J.D., *Professor of Law & University of Miami Law Review Faculty Advisor*
Anthony V. Alfieri, A.B., J.D., *Dean's Distinguished Scholar, Professor of Law & Director of the Center for Ethics & Public Service*
Paula Arias, J.D., *Director of International Moot Court Program & Lecturer in Law*
Yasminat Assis, LL.M., J.D., *Associate Director, International Graduate Law Programs & Lecturer in Law*
Jill Barton, B.J., B.A., M.S., J.D., *Professor of Legal Writing*
Ricardo Bascuas, B.A., J.D., *Professor of Law*
Ellen Belfer, B.A., J.D., *Professor of Legal Writing*
Caroline Bettinger-Lopez, B.A., J.D., *Professor of Clinical Legal Education & Director, Human Rights Clinic*
William Blatt, A.B., J.D., *Professor of Law*
Caroline M. Bradley, B.A. (Hons), LL.M., *Professor of Law*
Patricia A. Brown, B.S.F.S., J.D., *Director, Graduate Program in Taxation*
Sergio Campos, A.B., J.D., *Associate Professor of Law*
Donna K. Coker, B.S.W., M.S.W., J.D., *Professor of Law*
Charlton Copeland, B.A., M.A.R., J.D., *M. Minnette Massey Chair in Law and Professor of Law*
Caroline Mala Corbin, B.A., J.D., *Professor of Law*
Andrew Dawson, B.A., J.D., *Associate Professor of Law*

Michele DeStefano, B.A., J.D., *Professor of Law*
Stephen M. Diamond, B.A., A.M., Ph.D., J.D., *Professor of Law*
Alyssa Dragnich, B.A., J.D., *Professor of Legal Writing*
Marc Fajer, A.B., J.D., *Professor of Law*
Zanita E. Fenton, A.B., J.D., *Professor of Law*
Mary Anne Franks, B.A., M.Phil., Ph.D., J.D., *Professor of Law*
Sandra Friedrich, J.D., LL.M., *Director, White & Case International Arbitration
LL.M. Graduate Program & Lecturer in Law*
Christina M. Frohock, B.A., M.A., J.D., *Professor of Legal Writing*
A. Michael Froomkin, B.A., M.Phil., J.D., *Laurie Silvers and Mitchell
Rubenstein Distinguished Professor of Law*
Patrick O. Gudridge, A.B., J.D., *Professor of Law*
Michael H. Graham, B.S.E., J.D., *Dean's Distinguished Scholar for the
Profession, Professor of Law*
Susan Haack, B.A., M.A., B.Phil., Ph.D., *Distinguished Professor in the
Humanities, Cooper Senior Scholar in Arts and Sciences, Professor of
Philosophy & Professor of Law*
Stephen K. Halpert, A.B., J.D., *Professor of Law*
Frances R. Hill, B.A., M.A., Ph.D., J.D., LL.M., *Dean's Distinguished Scholar
for the Profession, Professor of Law*
Elizabeth M. Iglesias, B.A., J.D., *Professor of Law*
Jan L. Jacobowitz, B.S., J.D., *Director of the Professional Responsibility and
Ethics Program & Lecturer in Law*
Osamudia James, B.A., J.D., LL.M., *Professor of Law*
D. Marvin Jones, B.S., J.D., *Professor of Law*
Stanley I. Langbein, A.B., J.D., *Professor of Law*
Tamara Rice Lave, B.A., M.A., Ph.D., J.D., *Associate Professor of Law*
Lili Levi, A.B., J.D., *Professor of Law*
Dennis O. Lynch, B.A., J.D., J.S.D., LL.M., *Dean Emeritus & Professor of Law*
Martha R. Mahoney, B.A., M.A., J.D., *Dean's Distinguished Scholar &
Professor of Law*
Elliott Manning, A.B., J.D., *Dean's Distinguished Scholar for the Profession &
Professor of Law*
Fred McChesney, A.B., J.D., Ph.D., *Carlos de la Cruz-Soia Mentschikoff Chair
in Law and Economics*
Felix Mormann, J.D., LL.M., *Associate Professor of Law*
Peter Nemerovski, B.A., J.D., *Professor of Legal Writing*
JoNel Newman, B.A., J.D., *Director of the Health and Elder Law Clinic &
Professor of Clinical Legal Education*
James W. Nickel, B.A., Ph.D., *Professor of Philosophy & Professor of Law*
Leigh Osofsky, A.B., J.D., *Associate Professor of Law*
Bernard H. Oxman, A.B., J.D., *Richard A. Hausler Endowed Chair & Professor
of Law*
Kunal Parker, A.B., M.A., J.D., Ph.D., *Dean's Distinguished Scholar &
Professor of Law*
Jan Paulsson, A.B., J.D., *Michael Klein Distinguished Scholar Chair &
Professor of Law*
Shara Pelz, B.A., J.D., *Professor of Legal Writing*
Carmen Perez-Llorca, J.D., LL.M., *Director of International Graduate Law
Programs & Lecturer in Law*
Bernard P. Perlmutter, B.A., J.D., *Co-Director of the Children & Youth Law
Clinic & Professor of Clinical Legal Education*
Alejandro Portes, B.A., M.A., Ph.D., *Professor of Sociology & Professor of Law*

Tina Portuondo, B.A., J.D., LL.M., *Director of the Heckerling Institute on Estate Planning & Director of the Heckerling LL.M. in Estate Planning*
Daniel B. Ravicher, B.S.C.E., J.D., *Director of the Larry Hoffman|Greenberg Traurig Startup Law Practicum & Lecturer in Law*
Thomas A. Robinson, B.S., J.D., B.Litt., *Professor of Law*
Scott Rogers, B.S., M.S., J.D., *Director, Mindfulness and the Law Program & Lecturer in Law*
Laurence M. Rose, B.A., J.D., *Director of the Litigation Skills Program & Professor of Law Emeritus*
Robert E. Rosen, A.B., M.A., J.D., Ph.D., *Professor of Law*
Keith S. Rosenn, B.A., LL.B., *Professor of Law*
Andres Sawicki, S.B., J.D., *Associate Professor of Law*
K. Renee Schimkat, B.A., J.D., *Professor of Legal Writing*
Stephen J. Schnably, A.B., J.D., *Professor of Law*
Rebecca Sharpless, B.A., M.Phil., J.D., *Director, Immigration Clinic & Professor of Clinical Legal Education*
Rachel Smith, B.A., J.D., *Professor of Legal Writing*
Rachel Stabler, B.A., J.D., *Professor of Legal Writing*
Irwin P. Stotzky, B.A., J.D., *Professor of Law*
Jessi Tamayo, B.A., J.D., *Director of the Street Law Program & Lecturer in Law*
Annette Torres, B.A., M.B.A., J.D., *Professor of Legal Writing*
Stephen K. Urice, B.A., Ph.D., J.D., *Professor of Law*
Francisco Valdes, B.A., J.D., J.S.M., J.S.D., *Dean's Distinguished Scholar & Professor of Law*
Teresa Verges, B.A. J.D., *Director, Investor Rights Clinic & Lecturer in Law*
Markus Wagner, J.S.M., M.J.I., J.D., *Associate Professor of Law*
William H. Widen, A.B., J.D., *Professor of Law*
Richard L. Williamson, Jr., A.B., M.A., J.D., *Professor of Law*
Sally H. Wise, B.A., J.D., M.LL., *Director of the Law Library & Professor of Law*
Cheryl Zuckerman, B.A., J.D., *Professor of Legal Writing*

Emeriti

Terence J. Anderson, B.A., J.D., *Professor Emeritus of Law*
Kenneth M. Casebeer, A.B., J.D., *Professor Emeritus of Law*
Mary I. Coombs, B.A., M.A., J.D., *Professor Emerita of Law*
Mary Doyle, B.A., LL.B., *Dean Emerita & Professor Emerita of Law*
M. Minnette Massey, B.B.A., LL.B., M.A., LL.M., *Professor Emerita of Law*
George Mundstock, B.A., J.D., *Professor Emeritus of Law*
Kathryn D. Sowle, B.A., J.D., *Professor Emerita of Law*