## University of Miami Law Review

### VOLUME 70  SUMMER 2016  NUMBER 4

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FOREWORD</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hon. Darrin P. Gayles</td>
<td>1063</td>
</tr>
</tbody>
</table>

| **ARTICLES**          |                                                                       |      |
|                       | **ISIS’ 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** | 1068 |
|                       | Lindsey Lazopoulos Friedman                                          |      |

|                       | **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 CALD威尔L, CLEMONS, AND PROFFITT** |      |
|                       | Craig Trocino & Chance Meyer                                        | 1118 |

|                       | **THAT ’70s SHOW: WHY THE 11TH 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
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