UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES

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UNITED STATES
Appellee

v.

James A. McGRIFF II, Staff Sergeant
United States Air Force, Appellant

No. 19-0206
Crim. App. No. ACM 39306

Decided June 12, 2019

Military Judge: James E. Key III

For Appellant: *Major Mark J. Schwartz.*

For Appellee: *Colonel Julie L. Pitvorec*, *Lieutenant Colonel Joseph Kubler*, *Captain Anne M. Delmare*, and *Mary Ellen Payne*, Esq.

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PER CURIAM:

On consideration of Appellant's petition for grant of review of the decision of the United States Air Force Court of Criminal Appeals, we deny the petition.[1] However, we note that denial of a petition, although it allows the decision below to stand, does not suggest that we either agree or disagree with the merits of a lower court's resolution of the case. *Cf. Teague v. Lane*, 489 U.S. 288, 296 (1989) (recognizing that denial of certiorari by the Supreme Court carries no precedential value as it is not an expression of the Supreme Court's opinion upon the merits of the case). Thus, denial of this petition carries no support whatsoever for concluding

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[1] The sole issue raised was:

> Whether the Court of Criminal Appeals improperly conducted a review of the prejudice resulting from Appellant being subjected to cruel and unusual punishment during his post-trial confinement.

that the lower court either correctly or incorrectly interpret-
ed the scope and application of *Farmer v. Brennan*, 511 U.S.
825, 832−34 (1994), *United States v. Lovett*, 63 M.J. 211, 215
(C.A.A.F. 2006), or *United States v. Brennan*, 58 M.J. 351,
355 (CA.A.F. 2003). *Cf. Maryland v. Baltimore Radio Show*,
338 U.S. 912, 919 (1950) (emphasizing that denial of certio-
rari reflects no judgment on the opinion below); *United
States v. Mahan*, 1 M.J. 303, 307 n.9 (C.M.A. 1976) (reiterat-
ing that the denial of a petition is of no precedential value).