

Tuesday, March 18, 2025

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23-4610	<a href="#">Briefs</a>	CRIMINAL: Whether the district court erred by permitting expert witness to testify about probabilistic genotyping software program; whether sufficient evidence supported convictions; other issues.
US v. Brandon Chavis		
(Hanes)		
Associations: 23-4614		
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24-1893	<a href="#">Briefs</a>	CIVIL: Whether the district court erred in declining to preliminarily enjoin dance company's use of certain marks and other alleged infringements on school's trademark rights.
Mountain Island Day Community Charter		
School v. Inspire Performing Arts Company, LLC		
(Bell)		
<hr/>		
24-4029	<a href="#">Briefs</a>	SENTENCING: In a combined sentencing proceeding, whether district court committed reversible procedural error in not addressing some of Defendant's arguments for lower sentences.
US v. Cedric Benton		
(Conrad)		
Associations: 24-4030		
<hr/>		
24-1154	<a href="#">Briefs</a>	IMMIGRATION: Whether Board abused its discretion in denying motion to reopen based on ineffective assistance of counsel.
Sulma De Jesus Guandique-De Romero v.		
Pamela Bondi		

PANEL I  
Chief Judge Diaz, Judge Wynn, Judge Benjamin  
Red Courtroom (Room 412)  
9:30 a.m.

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21-1858 [Briefs](#) BANKRUPTCY: Whether liability insurer has standing to appeal order confirming joint plan of reorganization; whether  
Truck Insurance Exchange v. Kaiser Gypsum appeal is equitably moot.  
(Mullen)

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23-2157 [Briefs](#) BLACK LUNG: In determining identity of responsible operator, whether DOL Bulletin 16-01 is a legislative rule or an  
Hobet Mining, Incorporated v. DOWCP internal guidance document; other issues.

PANEL II  
Judge King, Judge Agee, Judge Quattlebaum  
Butzner Courtroom 201  
9:30 a.m.

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22-1176 [Briefs](#) IMMIGRATION: Whether threats made to petitioner's son constituted persecution; whether petitioner established nexus between past or feared future persecution and family-based particular social group.  
Yasmin Rivas De Nolasco v. Pamela Bondi

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23-4527 [Briefs](#) CRIMINAL: Whether district court abused its discretion in denying Appellant's motion to withdraw guilty pleas based on Government's partial nondisclosure of search warrant; other issues.  
US v. David Milam  
(Flanagan)  
Associations: 23-4528, 23-4529

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23-4689 [Briefs](#) CRIMINAL: Whether Appellant was denied opportunity to cross-examine Government witnesses about key evidence during Government's case-in-chief; whether Appellant waived this issue.  
US v. Bernard Breeland, Jr.  
(Anderson)

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24-1829 [Briefs](#) CIVIL: Whether North Carolina district court conviction precludes sec. 1983 action for First Amendment retaliatory arrest.  
Maurice Wells, Jr. v. Terry Johnson  
(Eagles)

PANEL III  
Judge Niemeyer, Judge Richardson, Senior Judge Floyd  
Blue Courtroom (Room 339)  
9:30 a.m.

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22-4647 [Briefs](#) CRIMINAL: Whether 10-minute traffic stop concluding with K-9 open-air sniff of motorcycle violated Fourth Amendment.  
US v. Joseph Dadisman  
(Kleeh)

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24-1420 [Briefs](#) CIVIL: Challenge to district court's dismissal of Rehabilitation Act discrimination, retaliation, and failure to  
Mary Herkert v. Martin O'Malley accommodate claims.  
(Griggsby)

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23-4483 [Briefs](#) CRIMINAL: Whether Western District of Virginia was proper venue for drug distribution charges where the drugs were  
US v. Carlos Bariola mailed to that district from Florida; other issues.  
(Dillon)

Associations: 23-4484, 23-4495

PANEL IV  
Judge Gregory, Judge Harris, Senior Judge Keenan  
Gold Courtroom (Room 348)  
9:30 a.m.

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22-6698	<a href="#">Briefs</a>	POSTCONVICTION: Whether the district court erred in finding defense counsel did not render ineffective assistance during plea negotiations; other issues.
US v. Stanislav Yelizarov (Hollander)		
Associations: 23-4742		
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23-1733	<a href="#">Briefs</a>	INSURANCE: Whether the magistrate judge erred in finding the plain language of the policy covered a claim for negligent entrustment of automobile; other issues.
J.H. v. Harford Mutual Insurance Group, Inc. (Auld)		
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23-4031	<a href="#">Briefs</a>	CRIMINAL: Propriety of rulings limiting examination of postal inspector and permitting witness to testify in uniform; other issues.
US v. Arley Johnson (Chuang)		
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24-4108	<a href="#">Briefs</a>	CRIMINAL: Whether the district court adequately considered the police officers' failures to activate their body cameras when denying the defendant's motion to suppress evidence.
US v. Samuel Joseph (Johnston)		

PANEL V  
Judge Heytens, Judge Berner, Judge Gibney\*  
Tweed Courtroom (Room 414-D)  
9:30 a.m.

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\*Hon. John A. Gibney, Jr. United States Senior District Judge, Eastern District of Virginia

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23-1874 [Briefs](#) CIVIL: Whether district court erred in granting directed verdicts to Appellees in jury trial of consolidated cases related to business license suspensions.  
James Brady v. City of Myrtle Beach  
(Dawson)

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23-2211 [Briefs](#) INSURANCE: Whether the district court erred in finding that insurance policy and South Carolina law did not allow stacking of underinsured motorist coverage.  
Owners Insurance Company v. Jeffrey Walsh  
(Dawson)

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24-6691 [Briefs](#) CIVIL RIGHTS: Whether district court erred in dismissing appellants' putative class action challenging conditions at West Virginia correctional facilities for lack of standing.  
Thomas Sheppheard v. James Justice, Jr.  
(Berger)

PANEL VI  
Judge Wilkinson, Judge Rushing, Judge Yoon\*  
Tan Courtroom (Room 223)  
9:30 a.m.

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\*Hon. Jasmine H. Yoon, United States District Judge, Western District of Virginia

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24-6027	<a href="#">Briefs</a>	CIVIL: Whether the district court erred in finding, under South Carolina law, that clerk of court was entitled to quasi-judicial immunity.
Tim Landholt v. Kendall Corley (Lydon)		
<hr/>		
23-1157	<a href="#">Briefs</a>	ARBITRATION: Whether district court should have dismissed this action pursuant to complete arbitration rule; whether arbitrator exceeded his authority under collective bargaining agreement.
Wheeling Power Company - Mitchell Plant v. Local 492 Utility Workers Union of America AFL-CIO (Bailey)		
<hr/>		
23-1950	<a href="#">Briefs</a>	INSURANCE: Whether the district court erred in finding, under North Carolina law, that insurance policy was not coverage for nonfleet private passenger motor vehicles.
Selective Insurance Company of South Carolina v. Adam Duffy (Conrad)		
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23-4737	<a href="#">Briefs</a>	CRIMINAL: Whether Government breached plea agreement by arguing for upward departure or variance based in part on defendant's leadership role in offense.
US v. William Wilson (Dever)		

PANEL I  
Chief Judge Diaz, Judge Gregory, Judge Yoon\*  
Red Courtroom (Room 412)  
9:30 a.m.

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\*Hon. Jasmine H. Yoon, United States District Judge, Western District of Virginia

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24-1013	<a href="#">Briefs</a>	IMMIGRATION: Whether conviction for coercion and enticement of a minor constitutes aggravated felony sexual abuse of a minor and crime of child abuse.
Kevin Hsieh v. Pamela Bondi		
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23-1544	<a href="#">Briefs</a>	BLACK LUNG: Whether ALJ improperly shifted burden of proof; whether experts credited by ALJ presented a well-reasoned and documented opinion on the pertinent issues.
Extra Energy, Incorporated v. DOWCP		
<hr/>		
23-4048	<a href="#">Briefs</a>	CRIMINAL: Whether erroneous oral jury instructions created fatal variance in violation of the Fifth Amendment when the written instructions corrected the error; other issues.
US v. Brayan Contreras-Avalos (Xinis)		
Associations: 23-4133, 23-4158		

PANEL II  
Judge Wilkinson, Judge Niemeyer, Judge Wynn  
Butzner Courtroom 201  
9:30 a.m.

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24-1126	<a href="#">Briefs</a>	BLACK LUNG: Whether the administrative law judge's classification of the miner's last coal mining job as light work is rational and supported by substantial evidence.
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22-4541	<a href="#">Briefs</a>	CONSTITUTIONAL LAW: Whether 18 U.S.C. section 922(g)(9), prohibiting firearms possession by persons convicted of domestic abuse, violates Second Amendment following Supreme Court's decision in Bruen.
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24-1625	<a href="#">Briefs</a>	CIVIL: Challenge to grant of summary judgment on defamation and declaratory judgment claims.

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PANEL III  
Judge King, Judge Agee, Judge Harris  
Blue Courtroom (Room 339)  
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22-4654	<a href="#">Briefs</a>	CRIMINAL: Whether the district court imposed a procedurally unreasonable sentence by failing to adequately address Solis-Rodriguez's arguments for a more lenient sentence.
US v. Edin Solis-Rodriguez (Whitney)		
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23-2089	<a href="#">Briefs</a>	CONTRACT: Whether the Recreation Covenant is a real covenant running with the land or whether it is a personal covenant.
Snowshoe Mountain, Inc. v. Ruby Dog Holdings, LLC (Kleeh)		
<hr/>		
24-1536	<a href="#">Briefs</a>	CIVIL: Multi-issue appeal, including challenge to jury instructions, district court's denial of judgment as a matter of law, other issues.
Vincent Mona v. David McKay (Messitte)		

PANEL IV  
Judge Quattlebaum, Judge Heytens, Senior Judge Traxler  
Gold Courtroom (Room 348)  
9:30 a.m.

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23-2286 [Briefs](#) IMMIGRATION: Whether the Board of Immigration Appeals abused its discretion in not reconsidering that the proposed  
Ana Hernandez Guardado v. Pamela Bondi particular social groups were not cognizable.

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24-1507 [Briefs](#) CIVIL: Whether court abused its discretion by misapplying Fed. R. Civ. P. 23 to deny class certification and by excluding  
Clarence Davis v. Capital One N.A. Plaintiff's expert.  
(Trenga)

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24-1468 [Briefs](#) INSURANCE: Whether insurance policy's preceding claim or prior notice exclusions apply to securities claim, precluding  
Travelers Casualty v. Jeld-Wen Holding, Inc. coverage.  
(Cogburn)

PANEL V  
Judge Benjamin, Judge Berner, Senior Judge Floyd  
Tweed Courtroom (Room 414-D)  
9:30 a.m.

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24-6432 [Briefs](#)  
US v. Tyrone Davis  
(Novak) POSTCONVICTION: In denying section 3582(c)(2) motion pursuant to USSG Amendment 821, Part A, whether the district court adequately considered and addressed mitigating factors.

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23-6447 [Briefs](#)  
Alan Hicks v. Donnie Ames  
(Chambers) POSTCONVICTION: Whether 28 U.S.C. section 2254 petitioner's failure to exhaust his state court remedies should be excused given the delay in his state habeas proceedings.

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23-4234 [Briefs](#)  
US v. Reginald Twitty  
(Cain) CRIMINAL: Whether order authorizing collection of defendant's cellphone location data violated the Wiretap Act, 18 U.S.C. sections 2510-2523; other issues.

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24-1412 [Briefs](#)  
US v. Arlington County, Virginia  
(Brinkema) CIVIL: Dispute over just compensation for land taken by federal government from county.

PANEL VI  
Judge Thacker, Judge Richardson, Judge Rushing  
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23-4768	<a href="#">Briefs</a>	CRIMINAL: Whether the district court erred in its computation of the speedy trial clock; procedural reasonableness of calculated Sentencing Guidelines range; other issues.
US v. Melvin Myrick (Hudson)		
<hr/>		
24-1490	<a href="#">Briefs</a>	IMMIGRATION: Whether Petitioner demonstrated persecution was perpetrated by private actor that the government was unable or unwilling to control to qualify for asylum; claim exhaustion.
Yamilet Garcia Chavez v. Pamela Bondi		
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24-1111	<a href="#">Briefs</a>	IMMIGRATION: Whether 8 C.F.R. section 1240.21(c) and the timing provisions of OPPM 17-04 are binding on immigration courts.
Alex Zalaya Orellana v. Pamela Bondi		
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24-1207	<a href="#">Briefs</a>	EMPLOYMENT: Whether district court correctly granted summary judgment on Plaintiff's Title VII and ADA claims premised on Plaintiff's pregnancy related medical condition; other issues.
Sharise Parker v. Children's National Medical Center, Inc. (Rubin)		

PANEL I  
Judge Niemeyer, Judge Agee, Judge Thacker  
Red Courtroom (Room 412)  
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23-2025 [Briefs](#) CIVIL: Whether court properly granted motion to strike expert's errata sheet in negligence action; scope of Fed. R. Civ. P.  
Amanda Watts v. Maryland CVS Pharmacy, LLC 30(e).  
(Rubin)

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24-1768 [Briefs](#) CIVIL: Challenge to district court's dismissal of claims related to agency's failure to respond to FOIA request.  
Louise Trauma Center LLC v. USCIS  
(Bennett)

PANEL II  
Chief Judge Diaz, Judge Harris, Judge Berner  
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24-1590 [Briefs](#) Multi-issue appeal of district court's partial dismissal and grant of summary judgment in public nuisance suit alleging environmental contamination.  
The County Commission of Fayette County, WV  
National Grid NE Holdings 2 LLC  
(Johnston)

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24-1658 [Briefs](#) CONSTITUTIONAL LAW: Challenge to district court's dismissal of equal protection claims related to state DOT's failure to issue final determination on relocation costs reimbursement.  
Dr. Michael Fernandez, D.D.S., Ltd. v. Stephen  
Brich  
(Jackson)

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Judge King, Judge Rushing, Judge Benjamin  
Blue Courtroom (Room 339)  
9:30 a.m.

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24-1656 [Briefs](#) CIVIL: Whether district court erred in sua sponte striking class allegations regarding racially disparate impact of credit union policy.  
Laquita Oliver v. Navy Federal Credit Union  
(Brinkema)

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23-6824 [Briefs](#) CIVIL RIGHTS: Whether fifteen dollar fine implicates a property interest and requires procedural due process protections; related issues.  
Demmerick Brown v. Karen Stapleton  
(Ballou)

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24-1707 [Briefs](#) JURISDICTION: Whether district court lacked jurisdiction to enter declaratory judgment on constitutionality of state court consent order; other issues.  
T.M. v. University of Maryland Medical System  
(Gallagher)

PANEL IV  
Judge Richardson, Judge Heytens, Judge Moon\*  
Gold Courtroom (Room 348)  
9:30 a.m.

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\*Hon. Norman K. Moon, United States Senior District Judge, Western District of Virginia



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24-1782 [Briefs](#)  
Martin Misjuns v. City of Lynchburg  
(Ballou) CIVIL: Multi-issue challenge to dismissal of claims alleging First Amendment violations, conspiracy, wrongful termination, and breach of contract related to city employee's Facebook posts.

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24-1571 [Briefs](#)  
Garten Trucking LC v. NLRB CONSTITUTIONAL LAW: Whether employer's statements following union's unsuccessful representation election constitute protected speech under the First Amendment.

Associations: 24-1614

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23-2160 [Briefs](#)  
First Protective Insurance Company v.  
Lewis O'Leary  
(Flanagan) INSURANCE: Whether denial of motion to dismiss based on arbitral immunity is final, appealable order under 28 U.S.C. section 1291.

PANEL V  
Judge Wilkinson, Judge Gregory, Judge Quattlebaum  
Tweed Courtroom (Room 414-D)  
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23-4150 [Briefs](#)  
US v. Vincent Deritis  
(Bell)

CRIMINAL: Whether photograph depicting adult genitalia touching child's hand sufficiently supported conviction for production of child pornography; propriety of jury instructions; other issues.

PANEL I  
Judge Thacker, Judge Quattlebaum, Judge Rushing  
Red Courtroom (Room 412)  
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23-1799 [Briefs](#)  
Lolakshi Kale v. Kika Scott  
(Flanagan)

IMMIGRATION: Whether jurisdiction exists to review hold policy regarding adjustment of status eligibility for EB-2 or EB-3 visa based on retrogression of cut-off date.

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24-4076 [Briefs](#)  
US v. Julio Alvarado Dubon  
(Lauck)

CRIMINAL: Whether officers who are lawfully present on the defendant's property may conduct a protective sweep not in conjunction with an arrest; other issues.

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23-4185 [Briefs](#)  
US v. Jose Ordonez-Zometa  
(Xinis)

CRIMINAL: Whether district court erred in denying motions to suppress evidence; whether evidence was sufficient to show racketeering offenses affected interstate commerce; other issues.

Associations: 23-4504, 23-4603

PANEL II  
Judge King, Judge Gregory, Judge Heytens  
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24-1419 [Briefs](#)  
Rebecca Wonsang v. Reliance Standard Life  
(Alston)

ERISA: Challenge to district court's grant of summary judgment to plaintiff in case involving discontinuation of long term disability benefits under employee welfare benefit plan.

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Judge Wilkinson, Judge Wynn, Judge Richardson  
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