

Tuesday, March 19, 2024

22-0002 [Briefs](#)
Stephen Stanko v. Bryan Stirling
(Gergel)
Associations: 22-0003

CAPITAL CASE: Multi-issue capital appeal challenging denial of specialist services, effective assistance of counsel, composition of the jury, and other issues.

23-1731 [Briefs](#)
Michael Scott v. Baltimore County, Maryland
(Gallagher)

CIVIL: Whether incarcerated workers working outside of the prison are employees covered by FLSA.

23-1783 [Briefs](#)
Metropolitan Washington Airports Authority
v. Gary Pan
(Nachmanoff)

CIVIL: Whether district court erred finding the agreement between Virginia and D.C. to operate area airports preempts Virginia's workplace safety laws.

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

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23-1676	Briefs	IMMIGRATION: Whether "crime of child abuse" under 8 U.S.C. 1227(a)(2)(E)(i) includes inchoate or strict liability offenses.
David Marquez Cruz v. Merrick Garland		
<hr/>		
22-6427	Briefs	CONSTITUTIONAL LAW: Whether inmate stated plausible claim of cruel and unusual punishment by alleging voluntary work program exposed participants to COVID-19 and other hazards.
Julius Hodges v. Peter Meletis (Novak)		
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23-1236	Briefs	IMMIGRATION: Whether petitioner's allegations of past harm and feared future harm qualify as "persecution"; propriety of adverse nexus ruling in mixed motive case; other issues.
Hanumant Joshi v. Merrick Garland		
<hr/>		
23-1856	Briefs	BANKRUPTCY: Whether bankruptcy court erred in approving professional retention application submitted by Chapter 11 Trustee after his appointment was terminated.
Byron David v. Donald King (Giles)		

PANEL II
Judge Wilkinson, Judge Richardson, Judge Quattlebaum
Butzner Courtroom 201
9:00 a.m.

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23-1155 [Briefs](#)
68th Street Site Work Group v. Alban Tractor
(Gallagher)

CIVIL: Whether CERCLA "arranger liability" requires knowledge that disposed substances contain hazardous materials.

23-1305 [Briefs](#)
SZY Holdings, LLC v. Rico Garcia
(Nachmanoff)

ARBITRATION: Whether district court erred in finding Appellants defaulted on right to arbitrate despite invoking arbitration clause prior to filing an answer; other issues.

PANEL III
Judge Wynn, Judge Benjamin, Judge Dawson*
Blue Courtroom (Room 339)
9:30 a.m.

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*Hon. Joseph Dawson III, United States District Judge, District of South Carolina

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20-4564	Briefs	SENTENCING: Whether conditions of supervised release are plainly substantively unreasonable, including prohibitions against "excessive use of alcohol" and "possession of children's items." 15 mins.
US v. Timothy Olson (Conrad)		
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23-1620	Briefs	CIVIL RIGHTS: Whether district court properly awarded qualified immunity to defendant officers on First and Fourth Amendment claims related to traffic stop of plaintiff.
Caron Nazario v. Joe Gutierrez (Young)		
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23-1393	Briefs	CIVIL: Challenge to district court's grant of summary judgment in favor of officers and town related to excessive force claims.
Amy Craven v. Christopher Novelli (Bell)		
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23-1126	Briefs	BLACK LUNG: In determining identity of responsible operator, whether DOL Bulletin 16-01 is a legislative rule or an internal guidance document; other issues.15 mins.
Hobet Mining Company v. DOWCP		

PANEL IV
Judge King, Judge Thacker, Judge Rushing
Gold Courtroom (Room 348)
9:30 a.m.

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21-7566	Briefs	HABEAS: Whether movant was denied effective assistance of counsel; whether district court erroneously granted Government's motion to dismiss without first conducting an evidentiary hearing.
US v. Patrick Sutherland (Cogburn)		
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23-1377	Briefs	JURISDICTION: Propriety of district court relying on potential defenses to claims to determine Plaintiff did not satisfy amount-in-controversy requirement for diversity jurisdiction; other issues.
Ministry of Defence of the State of Kuwait v. Joseph Naffa (Nachmanoff)		
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23-1144	Briefs	ARBITRATION: Challenge to district court order recognizing and enforcing Chinese arbitration agreement.
Estate of Ke Zhengguang v. Yu Stephany (Xinis)		
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21-7647	Briefs	CIVIL RIGHTS: Whether district court erred in granting summary judgment on failure to protect claim because prisoner failed to identify future attacker; other issues.
Harris Ford v. Erik Hooks (Biggs)		

PANEL V
Judge Niemeyer, Judge Gregory, Judge Agee
Tweed Courtroom (Room 414-D)
9:30 a.m.

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Wednesday, March 20, 2024

21-1255 [Briefs](#) REHEARING EN BANC
Dominic Bianchi v. Anthony G. Brown
(Bredar)

22-4609 [Briefs](#) REHEARING EN BANC
US v. Randy Price
(Goodwin)

Chief Judge Diaz, Judge Wilkinson, Judge Niemeyer, Judge King,
Judge Gregory, Judge Agee, Judge Wynn, Judge Thacker, Judge
Harris, Judge Richardson, Judge Quattlebaum, Judge Rushing,
Judge Heytens, Judge Benjamin, and Judge Berner

Butzner En Banc Courtroom 201
9:00 a.m.

Wednesday, March 20, 2024

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Thursday, March 21, 2024

21-2017 [Briefs](#)
Maryland Shall Issue, Inc. v. Wes Moore
(Hollander)

REHEARING EN BANC

Associations: 21-2053

Chief Judge Diaz, Judge Wilkinson, Judge Niemeyer, Judge King,
Judge Gregory, Judge Agee, Judge Wynn, Judge Thacker, Judge
Harris, Judge Richardson, Judge Quattlebaum, Judge Rushing,
Judge Heytens, Judge Benjamin, Judge Berner and Senior Judge
Keenan

Butzner En Banc Courtroom 201
9:00 a.m.

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23-1532 [Briefs](#) CIVIL: Whether district court erred in granting Fed. R. Civ. P. 50 motion in action involving value of land condemned for easements; other issues.
Mountain Valley Pipeline, LLC v. 8.37 Acres of
(Dillon)

21-6088 [Briefs](#) POSTCONVICTION: Whether court erred by declining to reopen appeal period; if appeal is timely, whether counsel's failure to object to certain testimony constitutes ineffective assistance.
Millanyo Woody v. Tucker
(Lydon)

PANEL I
Judge Gregory, Judge Wynn, Judge Thacker
Red Courtroom (Room 412)
After the en banc session

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21-7283 [Briefs](#)
US v. Willie Slocum, Jr.
(Copenhaver)

POSTCONVICTION: Propriety of the district court's rejection of Slocum's claim that counsel was ineffective in failing to challenge Count 2 of the indictment as multiplicitous.

23-1537 [Briefs](#)
CSX Transportation, Incorporated v. Norfolk
(Davis)

CIVIL: Whether statute of limitations precludes rail company's antitrust claims alleging anticompetitive switch rate pricing for access to Norfolk International Terminals.

PANEL II
Chief Judge Diaz, Judge Quattlebaum, Judge Rushing
Butzner Courtroom 201
After the en banc session

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23-1367 [Briefs](#)
Hank Bland v. Carolina Lease Management
(Boyle)

CIVIL: Whether claim under North Carolina's Unfair and Deceptive Trade Practices Act was untimely because it relied on time-barred claim under Retail Installment Sales Act.

PANEL III
Judge Wilkinson, Judge King, Judge Agee
Blue Courtroom (Room 339)
After the en banc session

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22-7228 [Briefs](#)
Jonathan Brunson v. Joshua Stein
(Flanagan)

CIVIL RIGHTS: Whether a dismissal pursuant to Heck v. Humphrey, 512 U.S. 477 (1994), counts as a strike for purposes of the PLRA, 28 U.S.C. section 1915(g).

PANEL IV
Judge Niemeyer, Judge Richardson, Judge Heytens
Gold Courtroom (Room 348)
After the en banc session

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23-1360 [Briefs](#)
Michael Shipton v. Baltimore Gas and
(Griggsby)

LABOR: Whether district court erred granting summary judgment for defendant employer who terminated employee based on belief that he was misusing FMLA leave.

23-1641 [Briefs](#)
Living Lands, LLC v. Harold Ward
(Chambers)

CIVIL: Challenge to district court's dismissal of environmental claims related to solid waste disposal.

PANEL V
Judge Harris, Judge Benjamin, Senior Judge Floyd
Tweed Courtroom (Room 414-D)
After the en banc session

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23-1201 [Briefs](#)
Marshall Todman v. The Mayor and City
(Boardman)
Associations: 23-1277

CONSTITUTIONAL LAW: Multi-issue cross-appeal raising due process concerns related to city's ordinance governing disposal of personal property after evictions.

23-4013 [Briefs](#)
US v. Andre Briscoe
(Bennett)

CRIMINAL: Whether the district court erroneously denied Appellant's motion to dismiss the indictment as untimely; other issues.

22-4533 [Briefs](#)
US v. Lamar Perdue
(Keeley)

CRIMINAL: Whether the district court plainly erred by not informing Defendant during plea hearing of advance knowledge element of aiding and abetting section 924(c) offense.

PANEL I
Judge Wilkinson, Judge Thacker, Senior Judge Floyd
Red Courtroom (Room 412)
9:30 a.m.

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23-1902 [Briefs](#) CONSTITUTIONAL LAW: Whether the district court erred in denying motion to dismiss official capacity claims based on
Christine Gibbons v. Betty Gibbs Eleventh Amendment immunity.
(Ballou)
Associations: 23-2254

Panel: Judge Quattlebaum, Judge Heytens, Judge Lauck*

22-4496 [Briefs](#) CRIMINAL: Whether district court erred in admitting various out-of-court statements.
US v. El Elsheikh
(Ellis)

Panel: Judge Agee, Judge Quattlebaum, Judge Heytens

23-6982 [Briefs](#) CIVIL: Interlocutory appeal from district court's denial of qualified immunity in sec. 1983 wrongful conviction claim.
Justin Black v. West Virginia State Police
(Chambers)

23-4089 [Briefs](#) CRIMINAL: Whether defendant's speedy trial right was violated by transportation delay occurring after defendant was
US v. Bobby Lee Minton declared incompetent.
(Bell)

PANEL II
First case: Judge Agee, Judge Quattlebaum, Judge Lauck*
Judge Agee, Judge Quattlebaum, Judge Heytens
Butzner Courtroom 201
8:30 a.m.

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*Hon. M. Hannah Lauck, United States District Judge, Eastern District of Virginia.

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22-2230	Briefs	CIVIL RIGHTS: Whether district court properly excused juror under Fed. R. Civ. P. 47(c) because juror expressed to Plaintiff desire to hug her; other issues.
Sherita Hicks v. Anne Arundel County (Boardman)		
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23-4249	Briefs	CRIMINAL: Whether Virginia use of a firearm, Va. Code Ann. section 18.2-53.1, and Virginia common law robbery are violent felony offenses under USSG section 4B1.2(a)(1).
US v. Jarohn Parham (Jackson)		
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22-4242	Briefs	CRIMINAL: Whether district court properly instructed jury regarding intent and meaning of lascivious exhibition in child pornography case; related issues.
US v. Zackary Sanders (Ellis)		
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22-7054	Briefs	CRIMINAL: Whether the district court erred in finding that 18 U.S.C. section 2253 requires forfeiture of the entirety of Defendant's electronic devices; related issues.
US v. Zackary Sanders (Ellis)		

PANEL III
Judge Niemeyer, Judge King, Judge Benjamin
Blue Courtroom (Room 339)
8:30 a.m.

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19-4348	Briefs	REHEARING
US v. Timothy Green (Hazel)		
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22-6029	Briefs	CIVIL: Whether delays in prison disciplinary hearings denied due process; whether court erred in declining to exercise supplemental jurisdiction over state law claims.
Terrance Henderson v. J. Harmon (Jackson)		
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22-4625	Briefs	CRIMINAL: Whether district court or Government breached Rule 11(c)(1)(C) plea agreements; reasonableness of downward-variant sentences.
US v. Trecika Dunlap (Lewis)		
Associations: 22-4646		
<hr/>		
22-6197	Briefs	CIVIL RIGHTS: Whether the court has jurisdiction to review interlocutory orders; propriety of summary judgment absent appointment of counsel and additional time for discovery.
Kenneth Jenkins v. Calvin Woodard (Boyle)		

PANEL IV
Judge Gregory, Judge Wynn, Judge Harris
Gold Courtroom (Room 348)
8:30 a.m.

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