

Tuesday, March 8, 2022

21-1533 [Briefs](#)
Latasha Holloway v. City of Virginia Beach
(Jackson)
Associations: 21-2431
VOTING RIGHTS: Whether Virginia Beach's at-large method of election denies Hispanics, African Americans, and Asians equal access to the electoral process in violation of Section 2 of the Voting Rights Act.

20-6448 [Briefs](#)
Demmerick Brown v. Karen Brown
(Hilton)
POSTCONVICTION: Whether Brown's claims are procedurally defaulted; related issues.

21-1545 [Briefs](#)
Regina Webster v. Chesterfield Cty. School Bd.
(Hudson)
CIVIL: Whether school district was entitled to summary judgment with regard to special education teacher's claim of student-on-teacher sexual harassment; related issues.

21-1527 [Briefs](#)
Derek Harvey v. CNN
(Bennett)
Associations: 21-1535
CIVIL: Whether district court erred in ordering sanctions against local counsel.

PANEL I
Chief Judge Gregory, Judge Thacker, and Judge Harris
Red Courtroom (Room 412)
9:30 a.m.

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19-4385 [Briefs](#)
US v. Kevin Mallory
(Ellis)

CRIMINAL: Whether the district court erred by applying the "Silent Witness Rule" to publicly available documents; other issues.

21-7209 [Briefs](#)
US v. Richard Moon
(Cain)

POSTCONVICTION: Whether district court abused discretion in denying certificate of innocence under 28 U.S.C. sec. 2513.

19-6636 [Briefs](#)
Cameron Crockett v. Harold Clarke
(Lauck)

POSTCONVICTION: Whether Defendant established prejudice from counsel's failure to investigate and present evidence about driver's seatbelt mechanism and, if not, whether he was entitled to evidentiary hearing.

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

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20-1648 Vitaly Baturin v. Commissioner, Internal Rev.	Briefs	TAX: Whether payments to research scientist are tax exempt as a "grant, allowance, or other similar payment" pursuant to terms of United States - Russia treaty.
18-6926 US v. Sebastian Morris (Conrad)	Briefs	SENTENCING: Whether the district court abused its discretion by denying Morris' motion to modify his conditions of supervised release.
21-6122 US v. Yonathan Melaku (Alston)	Briefs	CRIMINAL: Whether offense under 18 U.S.C. section 1361 - which proscribes willfully injuring or committing depredation against federal property - categorically qualifies as crime of violence.
21-1668 Church Mutual Insurance Co. v. Lake Pointe (Myers)	Briefs	INSURANCE: Whether complaint alleges injuries caused by a "professional health care incident," thus giving rise to duty to defend.

PANEL III
Judge Motz, Judge Diaz, and Senior Judge Keenan
Blue Courtroom (Room 339)
9:30 a.m.

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21-4043 [Briefs](#) SENTENCING: Whether defendant's conviction for Tennessee aggravated assault categorically qualifies as
US v. Bryan Ogle violent felony under Armed Career Criminal Act.
(Goodwin)

21-1812 [Briefs](#) ERISA: Whether termination of benefits was permissible under ERISA; whether plan's death benefit
Charles Bellon v. The PPG Employee Life constituted a pension plan under ERISA.
(Groh)

21-2022 [Briefs](#) JURISDICTION: Whether district court lacks jurisdiction to decide appellant's Title VII claims.
Nathan Mowery v. National Geospatial
(Ellis)

21-2180 [Briefs](#) VOTING RIGHTS: Appeal from district court's rejection of sovereign immunity defense to complaint
Paul Goldman v. Robert Brink challenging use of pre-existing electoral districts in Virginia House of Delegates election following
(Jackson) completion of 2020 Census.

PANEL IV
Judge King, Judge Wynn, and Judge Rushing
Red Courtroom (Room 412)
2:00 p.m.

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21-1160	Briefs	CONTRACT: Whether Plaintiff's labor was covered under the Miller Act, 40 U.S.C. section 3131-3134; and, if so, whether the claim is barred by statute of limitations.
Elliot Dickson v. Fidelity and Deposit Company (Hilton)		
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21-1621	Briefs	CONSTITUTIONAL LAW: Whether Maryland's tax sale statute discriminates against nonresidents in violation of the Privileges and Immunities Clause.
Chris Brusznicki v. Prince George's County (Messitte)		
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20-4557	Briefs	CRIMINAL: Whether district court abused its discretion in admitting into evidence forensic reports with categorizations derived from a law enforcement database program; other issues.
US v. Augustin Arce (Allen)		
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21-1041	Briefs	EMPLOYMENT: Whether district court erroneously determined that retaliatory failure-to-promote claim was not administratively exhausted; other issues.
Cathy Walton v. Thomas Harker (Gergel)		

PANEL V
Judge Agee, Judge Richardson, and Senior Judge Floyd
Butzner Courtroom (Room 201)
2:00 p.m.

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Wednesday, March 9, 2022

20-6710 [Briefs](#)
US v. Jose Nunez-Garcia
(Urbanski)

POSTCONVICTION: Whether the district court erred in dismissing the 28 U.S.C. section 2255 motion as time-barred.

20-7111 [Briefs](#)
US v. Cornelius Jackson
(Chasanow)

POSTCONVICTION: Whether district court erred in finding that 18 U.S.C. section 3553 factors did not warrant compassionate release.

21-1215 [Briefs](#)
Medical Mutual Insurance v. Rebecca Littau
(Hudson)

ABSTENSION: Whether the district court properly abstained from exercising jurisdiction over insurance company's complaint seeking declaratory judgment on duty to defend and indemnify.

20-1701 [Briefs](#)
Genesis HealthCare, Inc. v. Xavier Becerra
(Harwell)

CIVIL: Whether the district court erred in finding that there was no remaining case or controversy and dismissing Plaintiff's petition as moot.

PANEL I
Chief Gregory, Judge Niemeyer, and Judge Agee
Red Courtroom (Room 412)
9:30 a.m.

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21-6167 [Briefs](#)
US v. Mitchell Swain
(Dever)

SENTENCING: Whether the district court abused its discretion in denying Swain's motion for sentence reduction under the First Step Act of 2018.

PANEL II
Judge Motz, Judge Wynn, and Judge Thacker
Butzner Courtroom 201
9:30 a.m.

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19-4489 [Briefs](#) SENTENCING: Whether North Carolina felony assault inflicting physical injury by strangulation is a crime of violence under the Sentencing Guidelines.
US v. Dennis Rice
(Reidinger)

21-1353 [Briefs](#) IMMIGRATION: Whether Perez was not entitled to EAJA award because the Government's position was substantially justified.
Felipe Perez v. Leon Rodriguez
(Conrad)

21-1906 [Briefs](#) CONSTITUTIONAL LAW: Challenge under Twenty-First Amendment and Commerce Clause to North Carolina's law prohibiting out-of-state retailers from shipping wine directly to consumers.
B-21 Wines, Inc. v. Hank Bauer
(Whitney)

PANEL III
Judge Wilkinson, Judge King, and Judge Quattlebaum
Blue Courtroom (Room 339)
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21-1168 [Briefs](#)
Sony Music Entertainment v. Cox
(O'Grady)

COPYRIGHT: Whether internet service provider bears vicarious or contributory liability for subscribers' copyright infringement; challenge to damages amount; related issues.

21-1868 [Briefs](#)
Jonathan R. v. Jim Justice
(Johnston)

CIVIL: Whether district court erred in abstaining in case related to West Virginia's foster care system.

21-1079 [Briefs](#)
Eden, LLC v. Jim Justice
(Bailey)

CONSTITUTIONAL LAW: Propriety of district court's dismissal of plaintiffs' federal constitutional challenges to COVID-19 restrictions.

21-1102 [Briefs](#)
AJE Enterprise LLC v. James Justice
(Bailey)

CONSTITUTIONAL LAW: Propriety of district court's dismissal of plaintiffs' federal and state constitutional challenges to COVID-19 restrictions.

PANEL IV
Judge Harris, Judge Rushing, and Senior Judge Floyd
Red Courtroom (Room 412)
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21-1217 [Briefs](#)
Pamela Whitaker v. Monroe Staffing Services
(Tilley)
CONTRACT: Whether dispute between parties related to setoff permitting adjudication in federal or state forum in North Carolina.

21-1536 [Briefs](#)
Robert F. Anderson v. Morgan Keegan & Co.
(Childs)
BANKRUPTCY: Multi-issue challenge to Bankruptcy Court's order and judgment following bench trial on claims of fraud and breach of fiduciary duties.

21-2001 [Briefs](#)
Equity Investment Associates, v. US
(Mullen)
TAX: Whether civil tax definition of +"person" applies to determine whether a criminal tax referral was in effect when the IRS issued summons; related issues.

PANEL V
Judge Richardson, Judge Heytens, and Senior Judge Keenan
Butzner Courtroom (Room 201)
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20-2098 [Briefs](#)
Teresa Speaks v. U. S. Tobacco Cooperative
(Dever)
CLASS ACTION: Whether North Carolina Business Corporation Act or North Carolina Non-Profit Corporation Act applies to claims for judicial dissolution of agricultural cooperative; other issues.

21-1920 [Briefs](#)
Estate of Najee Ali Baker v. Wake Forest
(Eagles)
TORT: Whether district court erred in granting summary judgment for university, concluding on-campus shooting was not reasonably foreseeable.

21-1543 [Briefs](#)
Terri Cowgill v. First Data Technologies, Inc.
(Copperthite)
EMPLOYMENT: Whether request for leave under the Family and Medical Leave Act amounted to an accommodation request under the Americans with Disabilities Act; other issues.

21-1301 [Briefs](#)
Air Evac EMS, Inc. v. James Dodrill
(Berger)
PREEMPTION: Whether extraordinary circumstances preclude Younger abstention; other issues.

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Red Courtroom (Room 412)
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20-0009	Briefs	CAPITAL: Whether murder or aggravated sexual abuse qualifies as a crime of violence under the force clause of 18 U.S.C. sec. 924(c).
US v. Richard Jackson (Reidinger)		
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20-1633	Briefs	ARBITRATION: Whether New York Convention's preconditions for judicial confirmation of foreign arbitration award are jurisdictional requirements; other issues.
Rachan Reddy v. Rashid Buttar (Whitney)		
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21-1981	Briefs	BANKRUPTCY: Whether discharge exceptions to section 523(a) of the Bankruptcy Code apply to corporate debtors under Subchapter V.
Cantwell-Cleary, Co., Inc. v. Cleary Packaging (Harner)		
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21-1642	Briefs	LABOR: Whether disabled individuals working as janitors are in a primarily rehabilitative relationship, and therefore are not employees under Section 2(3) of the NLRA.
Sinai Hospital of Baltimore v. NLRB		

Associations: 21-1683

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Judge Niemeyer, Judge Motz, and Judge King
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21-1607 [Briefs](#) ADMIRALTY: Whether district court erred by finding plaintiff failed to establish maritime lien on defendant
Sing Fuels Pte Ltd. v. M/V LILA SHANGHAI vessel; application of doctrine of laches; other issues.
(Jackson)

21-1602 [Briefs](#) ERISA: Whether plan trustees abused discretion by denying coverage for surgery based on two independent
Dorothy Garner v. Central Sts., SE and SW Areas medical reviews, one of which was flawed; other issues.
(Eagles)

21-1684 [Briefs](#) CONSTITUTIONAL LAW: Whether West Virginia statute regulating legal advertisements related to medication
Steven Recht v. Patrick Morrisey violates the First Amendment.
(Bailey)

21-1504 [Briefs](#) CONTRACT: Whether district court erred in interpreting trust agreement provisions regarding trustee's asset
Accident Insurance Company, In v. US Bank handling obligations; other issues.
(Childs)

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Blue Courtroom (Room 339)
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21-1838 [Briefs](#)
Gordon Beckhart, Jr. v. Newrez, LLC
(Boyle)

BANKRUPTCY: Whether civil contempt order was erroneous; whether Taggart v. Lorenzen applies to a consensual injunction created by a chapter 11 plan and confirmation order.

21-1352 [Briefs](#)
US v. 8.929 Acres of Land in Arlington
(Brinkema)

CIVIL: Challenge to district court's determination of just compensation in eminent domain action.

21-1802 [Briefs](#)
Construction Laborers Pension v. Marriott
(Grimm)

SECURITIES FRAUD: Whether appellant failed to state a claim for securities fraud under Exchange Act 10(b) and SEC Rule 10b-5.

21-1994 [Briefs](#)
Winston Hencely v. Fluor Corporation
(Hendricks)

TORT: Whether state tort law claims are preempted by Federal Tort Claims Act's combatant activities exception.

PANEL IV
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Red Courtroom (Room 412)
2:00 p.m.

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20-1162 [Briefs](#) IMMIGRATION: Whether substantial evidence supports the denial of asylum and related relief; whether the
Jose Orellana-Torres v. Merrick Garland Board sufficiently analyzed bias claim.

21-1290 [Briefs](#) CIVIL: Whether complaint adequately pleaded violations of False Claims Act; whether complaint was
US ex rel. Haile Nicholson v. Medcom required to allege representative example of false claim.
(Osteen)

20-1661 [Briefs](#) CIVIL: Whether knowledge of false claim can be imputed to employer in False Claims Act case; other issues.
United States ex rel. Taylor v. Michael Boyko
(Berger)

21-1044 [Briefs](#) EMPLOYMENT: Whether the corporate veil should have been pierced to reach 15-employee threshold for
Daniel Bittle-Lindsey v. Seegars Fence applicability of Americans with Disabilities Act.
(Boyle)

PANEL V
Judge Wynn, Judge Harris, and Judge Richardson
Butzner Courtroom (Room 201)
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20-4414 [Briefs](#)
US v. Alexander Smith
(Cogburn)

CRIMINAL: Whether the Government demonstrated that Defendant's false statements to government agents were material for convictions under 18 U.S.C. section 1001(a)(2); other issues.

PANEL I
Chief Judge Gregory, Judge Diaz, and Judge Heytens
Red Courtroom (Room 412)
8:30 a.m.

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20-2200 [Briefs](#)
Thomas Harwood, III v. American Airlines, Inc.
(O'Grady)
Associations: 21-1137
CIVIL: Whether district court erred in holding that the job offered to appellant was equivalent under USERRA and in reducing damages award on remand.

20-4389 [Briefs](#)
US v. Jonathan Morehouse
(Jackson)
SENTENCING: Whether district court erred in applying enhancement under USSG section 2G2.2(b)(3)(B), in light of Amendment 801; other issues.

PANEL II
Judge Niemeyer, Judge Wynn, and Senior Judge Floyd
Butzner Courtroom (Room 201)
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21-6852 [Briefs](#)
Terrence Hyman v. Casandra Hoekstra
(Boyle)

POSTCONVICTION: Whether district court erred granting petition for writ of habeas corpus based on ineffective assistance of counsel.

PANEL III
Judge Wilkinson, Judge King, and Judge Agee
Blue Courtroom (Room 339)
8:30 a.m.

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21-2030 [Briefs](#)
Kesha Williams v. Stacey Kincaid
(Hilton)

CIVIL RIGHTS: Whether inmate with gender dysphoria is a qualified individual with a disability within the scope of the ADA Amendments Act; other issues.

21-4332 [Briefs](#)
US v. Shelby Petties
(Dever)

CRIMINAL: Whether the district court erred on remand by reinstating previously-dismissed or vacated counts against appellant following his successful appeal.

PANEL IV
Judge Motz, Judge Harris, and Judge Quattlebaum
Gold Courtroom (Room 348) **
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21-4088 [Briefs](#)
US v. Charles Walker, Jr.
(Flanagan)

CRIMINAL: Whether district court plainly erred by admitting victim testimony concerning impact of robberies; other issues.

21-6290 [Briefs](#)
Marc Cason, Sr. v. Md. Division of Corr.
(Xinis)

CIVIL RIGHTS: Whether appellant plausibly pleaded that he was denied meaningful access to "programs, services, or activities" under the ADA.

PANEL V
Judge Thacker, Judge Richardson, and Judge Rushing
Tweed Courtroom (Room 414-D) **
9:00 a.m. **

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