

Wednesday, May 3, 2023

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20-0001	<a href="#">Briefs</a>	CAPITAL CASE: Multi-issue challenge to capital conviction and sentence including issues related to competency, jury selection and instructions, confinement conditions, and execution method.
US v. Brandon Council (Harwell)		
Associations: 21-0008		
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21-1608	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether district court erroneously denied qualified immunity for arrests outside state legislature; whether First Amendment right to record the police was clearly established.
Clayton Hulbert v. Brian Pope (Gallagher)		
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22-1066	<a href="#">Briefs</a>	CRIMINAL: Third-party petitioner's appeal of forfeiture order and Government's cross-appeal from order prohibiting sale of forfeited property in which third-party petitioner retains a minority interest.
US v. Ilana Bangiyeva (O'Grady)		
Associations: 22-1099		
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21-7195	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether compliance with Prison Litigation Reform Act requires that administrative exhaustion be completed before the filing of a lawsuit; whether appeal is moot.
Charlie Hardin v. Officer Hunt (Boyle)		

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Red Courtroom (Room 412)  
9:30 a.m.

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22-4209	<a href="#">Briefs</a>	CRIMINAL: Whether pretrial delay violated appellant's statutory speedy trial rights; propriety of denial of motion to suppress; sufficiency of evidence.
US v. Trezith Smart (Novak)		
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20-7540	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether Bivens remedy exists for federal prisoner's First Amendment claims based on retaliation for filing grievances; other issues.
Joseph Mays v. T. Smith (Flanagan)		
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22-1320	<a href="#">Briefs</a>	EMPLOYMENT: Whether Virginia courts clearly lack jurisdiction over Rehabilitation Act claims, thus precluding application of state nonsuit tolling provisions.
John Massey, Jr. v. Virginia Polytechnic (Dillon)		
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22-1592	<a href="#">Briefs</a>	CIVIL: Whether district court abused its discretion by imposing sanctions under Fed. R. Civ. P. 11 against attorney and represented parties.
Andrews & Lawrence Professional Services, (Boardman)		
Associations: 22-1658		

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Butzner Courtroom 201  
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22-1498	<a href="#">Briefs</a>	CIVIL: Challenge to district court's denial of damages for FMLA interference claim.
Hannah P. v. Avril Haines (Brinkema)		
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22-1622	<a href="#">Briefs</a>	TRADEMARK: Challenge to grant of summary judgment in trademark and breach of contract dispute.
Dewberry Engineers Inc. v. Dewberry Group, (O'Grady)		
Associations: 22-1845		
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21-7752	<a href="#">Briefs</a>	POSTCONVICTION: Whether, on remand, the court abused its discretion in denying compassionate release because of
US v. Kelvin Brown (Doumar)		
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22-2320	<a href="#">Briefs</a>	CIVIL: Whether, under the Hague Convention, Petitioner did not meet her burden of showing that retention of children
Minna-Marie Brandt v. Damian Caracciolo (Cayer)		

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Blue Courtroom (Room 339)  
9:30 a.m.

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22-4406	<a href="#">Briefs</a>	SENTENCING: Whether district court properly applied terrorism enhancement under USSG section 3A1.4. (15 mins.)
US v. Mohamad Khweis (O'Grady)		
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21-6829	<a href="#">Briefs</a>	SENTENCING: Whether district court erred in denying First Step Act motion; application of United States v. Swain, 49 F.4th 398, to the facts of this case in consideration of the Supreme Court's directions in Concepcion v. United States, 142 S.Ct. 2389.
US v. Danny Smith (Hudson)		
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22-2078	<a href="#">Briefs</a>	CIVIL: Whether district court erred in denying motion to vacate the monetary relief portion of the judgment under Rule 60(b)(4) and Rule 60(b)(6).
FTC v. Kristy Ross (Bennett)		
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22-1221	<a href="#">Briefs</a>	IMMIGRATION: Propriety of agency's legal analysis relative to Petitioner's claim for withholding of removal and whether substantial evidence supports adverse factual conclusion; other issues.
Jose Martinez v. Merrick Garland		

PANEL IV  
Gold Courtroom (Room 348)  
9:30 a.m.

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22-1440 [Briefs](#) CIVIL: Whether sex discrimination claim by gay teacher against religious school is barred by Title VII, RFRA, and/or First Amendment.  
Lonnie Billard v. Charlotte Catholic High School  
(Cogburn)

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22-1748 [Briefs](#) ARBITRATION: Whether district court correctly held that instant dispute was governed by Washington Uniform Arbitration Act; other issues.  
Ahaji Amos v. Amazon Logistics, INC.  
(Eagles)

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22-1744 [Briefs](#) CIVIL: Challenge to class certification arising from data-security breach incident.  
Peter Maldini v. Accenture LLP  
(Grimm)  
Associations: 22-1745

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22-1480 [Briefs](#) ARBITRATION: Whether the district court erred in ordering arbitration between Plaintiff and a non-signatory to the arbitration agreement; other issues.  
Lastephen Rogers v. Tug Hill Operating, LLC  
(Bailey)

PANEL V  
Tweed Courtroom (Room 414-D)  
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20-4492 [Briefs](#)  
US v. William Finkley  
(Harwell)

CRIMINAL: Whether ineffective assistance is conclusive on the record.

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20-4338 [Briefs](#)  
US v. Ramon Davila  
(Boyle)

CRIMINAL: Whether numerous omissions in plea colloquy rendered guilty plea invalid; whether district court erred in imposing conditions of supervised release; other issues.

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21-7171 [Briefs](#)  
US v. Michael Draven  
(Smith)

POSTCONVICTION: Whether Appellant's 18 U.S.C. section 924(j) conviction remains valid under US v. Davis, and US v. Taylor.

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17-4487 [Briefs](#)  
US v. Donovan Letrell Hall  
(Boyle)

CRIMINAL: Whether Defendant satisfies plain error standard in terms of his unpreserved claim under Rehaif v. United States, 139 S. Ct. 2191 (2019); other issues.

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Red Courtroom (Room 412)  
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22-4157 [Briefs](#) SENTENCING: Whether district court erred in granting motion for upward departure and variance; whether life sentence  
US v. Richard Haas is procedurally and substantively unreasonable. (15 mins.)  
(Payne)

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21-1638 [Briefs](#) EMPLOYMENT: Whether district court erred in granting summary judgment in relation to Plaintiff's retaliation claim.  
Leila Johnson v. Global Language Center  
(Brinkema)

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22-1366 [Briefs](#) LABOR: Whether the NLRB's finding that Pain Relief Centers P.A. violated the National Labor Relations Act is supported by  
NLRB v. Pain Relief Centers P.A. substantial evidence.  
Associations: 22-1582

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21-2368 [Briefs](#) CIVIL: Multiple issues arising from jury trial on claims related to tanker explosion causing serious and permanent  
Anthony Mathis v. Terra Renewal Services, Inc. injuries.  
(Conrad)

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Butzner Courtroom 201  
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20-1509	<a href="#">Briefs</a>	CIVIL: Whether tenured public university professor stated cognizable Title IX gender discrimination, due process, and First Amendment claims arising from sexual harassment investigation.
Todd Kashdan v. George Mason University (O'Grady)		
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21-4367	<a href="#">Briefs</a>	CRIMINAL: Whether sufficient factual basis supports defendant's knowledge of prohibited status in 18 U.S.C. section 922(g)(1) prosecution; other issues.
US v. Montes Miller (Schroeder)		
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22-1750	<a href="#">Briefs</a>	CLASS ACTION: Whether district court erred in denying class certification; whether South Carolina law requires actual viewing for tort of intrusion into private affairs.
Gary Nestler v. Bishop of Charleston (Gergel)		
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21-2051	<a href="#">Briefs</a>	EMPLOYMENT: Whether district court properly awarded summary judgment to defendants on FMLA interference claims based on "honest belief" rule; other issues.
Justin Adkins v. CSX Transportation, Inc. (Chambers)		

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Blue Courtroom (Room 339)  
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22-1519	<a href="#">Briefs</a>	ERISA: Whether the plan administrator abused its discretion in denying benefits without considering stress and mental acuity required for plaintiff's profession.
Kevin Geiger v. Zurich American Insurance (Dawson)		
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22-1248	<a href="#">Briefs</a>	CIVIL: Whether bankruptcy code preempts claims under state consumer protection statute related to attempts to collect a debt discharged in bankruptcy; other issues.
Mark Guthrie v. PHH Mortgage Corporation (Boyle)		
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22-1491	<a href="#">Briefs</a>	CIVIL: Whether district court reversibly erred in granting Appellee's motion to dismiss claims brought pursuant to the False Claims Act; other issues.
US v. Walgreen Co. (Jones)		
Associations: 22-1492		
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20-6957	<a href="#">Briefs</a>	CRIMINAL: Whether Maryland first-degree assault is a violent felony under the force clause of the Armed Career Criminal Act.
US v. Garfield Redd (Bennett)		

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22-1499 Marvin Amaya Guardado v. Merrick Garland	<a href="#">Briefs</a>	IMMIGRATION: Whether substantial evidence supports the finding that Petitioner did not have a well-founded fear of persecution; related issues.
20-7247 US v. Eric Morrison (Bell)	<a href="#">Briefs</a>	SENTENCING: Application of First Step Act's bar on reduction of sentences "previously imposed or previously reduced" in accordance with Fair Sentencing Act; other issues.
22-1328 Joseph Bledsoe, III v. Cheryl Cook (Warren)	<a href="#">Briefs</a>	BANKRUPTCY: Whether bankruptcy court may consider reasonableness of secured debt expense deduction by an above-median income Chapter 13 debtor when calculating projected disposable income.
22-1907 Moises Cruz Cruz v. Merrick Garland	<a href="#">Briefs</a>	IMMIGRATION: Whether violation of Va. Code Ann. sec. 19.2-82.1, prohibiting falsely identifying oneself to police officer with intent to deceive, is categorically crime involving moral turpitude.

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21-4299 [Briefs](#) CRIMINAL: Whether any error in failing to submit to jury whether defendant had prior "serious drug felony" conviction  
US v. Austin Lee for 21 U.S.C. section 851 purposes was harmless.  
(Flanagan)

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19-1498 [Briefs](#) CIVIL: Whether district court properly applied North Carolina law in determining subcontractor's insurer's duty to  
Westfield Insurance Company v. Selective defend contractor; other issues.  
(Britt)

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21-4499 [Briefs](#) CRIMINAL: Sufficiency of evidence to prove attorney was part of client's fraud scheme; whether admission of SEC filings  
US v. Billy Seabolt violated Fed. R. Evid. 403 or 404(b).  
(Jackson)  
Associations: 21-4515

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22-4284 [Briefs](#) SENTENCING: Whether district court erred by applying enhancements for possession of firearm in connection with  
US v. Patrick Mitchell another felony and assaulting a law enforcement officer. (15 mins.)  
(Boyle)

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22-4370 [Briefs](#) SENTENCING: Whether district court improperly lengthened sentence to advance rehabilitation and erred in imposing supervised release for defendant facing deportation; other issues. (15 mins.)  
US v. Manuel Del Cid Bran  
(Novak)

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21-4634 [Briefs](#) CRIMINAL: Whether the district court erred by denying motion to suppress evidence recovered during a Terry stop.  
US v. Xavier Howell  
(Gibney)

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21-4157 [Briefs](#) CRIMINAL: Whether South Carolina conviction for second degree criminal domestic violence constitutes a "crime of violence"; other issues.  
US v. Thomas Smith  
(Herlong)

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21-1242 [Briefs](#) CIVIL RIGHTS: Probable cause to arrest school bus driver for disorderly conduct in verbal altercation with student; whether complaint sufficiently alleges causation.  
Addie Thweatt v. Ronald Rhodes  
(Hudson)

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22-4221 US v. Jong Kim (Flanagan)	<a href="#">Briefs</a>	CRIMINAL: Whether physician's guilty plea to prescribing controlled substances in unauthorized manner is valid after Ruan v. United States, 142 S. Ct. 2370.
22-4121 US v. Bryon Jones (Conrad)	<a href="#">Briefs</a>	CRIMINAL: Whether district court clearly erred in finding defendant committed new law violations and revoking supervised release; other issues.
22-1591 Blair Coleman v. Frank Kendall (Conrad)	<a href="#">Briefs</a>	ADMINISTRATIVE LAW: Whether the district court erred in finding no genuine dispute existed regarding the propriety of veteran's disability rating.
21-4457 US v. Deonte Curry (Conrad)	<a href="#">Briefs</a>	SENTENCING. Whether 18 U.S.C. 3664(o) provides exclusive means for modifying restitution order. Other issues.

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Associations: 21-4713

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