

Tuesday, May 7, 2024

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21-1379	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether the district court erred in granting summary judgment to Defendants on 42 U.S.C. § 1983 complaint alleging Fourth Amendment unreasonable detention claim.
Anthry Milla v. Officer Brown (Trenga)		
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22-6233	<a href="#">Briefs</a>	CIVIL RIGHTS: Propriety of district court's conclusion on bystander liability of some Defendants for excessive force claim under 42 U.S.C. § 1983; other issues.
Johnnie Simmons, Jr. v. R. Whitaker (Ellis)		
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23-1958	<a href="#">Briefs</a>	INSURANCE: Whether district court abused its discretion in declining to rule on motion for preliminary injunction, relying on <i>Younger</i> and <i>Burford</i> abstention doctrines; other issues.
Erie Insurance Exchange v. Maryland Insurance (Rubin)		
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23-1873	<a href="#">Briefs</a>	CIVIL: Whether the district court erred in applying gross disproportionality doctrine rather than cost-to-complete as the measure of damages.
Corotoman, Inc. v. Central West Virginia Regional (Berger)		

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

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22-4317	<a href="#">Briefs</a>	SENTENCING: Whether, under plain-error review, <i>Apprendi</i> error was harmless; whether district court erred in applying hate crime enhancement under the Sentencing Guidelines; other issues.
US v. Hysen Sherifi (Flanagan)		
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23-6319	<a href="#">Briefs</a>	POSTCONVICTION: Whether district court abused its discretion in denying Defendant's multi-faceted motion for compassionate release.
US v. Harry Moody (Reidinger)		
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23-1588	<a href="#">Briefs</a>	CIVIL: Whether district court erred granting qualified immunity to officers in excessive force case.
Ka'lah Martin v. Travis Short (Auld)		
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23-1156	<a href="#">Briefs</a>	BLACK LUNG: Whether Benefits Review Board erred by reversing Administrative Law Judge's denial of benefits and awarding benefits without remanding to ALJ for further consideration.
Dominion Coal Corporation v. DOWCP		

PANEL II  
Butzner Courtroom 201  
9:30 a.m.

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19-4620 [Briefs](#)  
US v. Randy Banks  
(Blake)

CRIMINAL: Multiple issues arising out of lengthy jury trial and denial of motion for new trial based on officer's engagement in criminal behavior.

Associations: 19-4826, 20-4193, 20-4250, 20-4266

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23-1988 [Briefs](#)  
Benjamin Butler v. New-Indy Catawba LLC  
(Lydon)

CIVIL: Propriety of determination that abstention under *Burford v. Sun Oil Co.*, 319 U.S. 315 (1943), was warranted in action under Clean Air Act.

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

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23-1182 [Briefs](#) CIVIL: Propriety of partial summary judgment; reduction of sanctions award recommended by magistrate judge based on defendant's discovery abuses; other issues.  
Jane Doe v. Charlotte Mecklenburg Board of  
Education  
(Conrad)

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23-1808 [Briefs](#) CONSTITUTIONAL LAW: Whether public right of access attaches to summary judgment documents when the case settles prior to a ruling on summary judgment.  
Michael Camoin v. Nelnet, Inc.  
(Hilton)

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23-1806 [Briefs](#) CLASS ACTION: Challenge to district court's denial of class certification in international Ponzi scheme litigation.  
Xunhui Cheng v. Dan Liu  
(Dawson)

PANEL IV  
Gold Courtroom (Room 348)  
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22-2168 Duke Energy Carolinas, LLC v. NTE Carolinas II (Bell)	<a href="#">Briefs</a>	CIVIL: Challenge to grant of summary judgment in favor of Duke Energy, finding no triable issue as to whether Duke's conduct was anticompetitive.
23-4618 US v. Gilbert Melvin (Boyle)	<a href="#">Briefs</a>	CRIMINAL: Whether, after purporting to terminate appellants supervised release, district court retained jurisdiction to reconsider decision.
23-1770 Caroline Reynolds v. USAA Life Insurance (Hudson)	<a href="#">Briefs</a>	INSURANCE: Whether oral agreement between insurer and insured was sufficient to cancel life insurance policy; other issues.
23-1910 Fabian Grey v. Ur Jaddou (Norton)	<a href="#">Briefs</a>	IMMIGRATION: Summary judgment on naturalization petition for lack of good moral character; exemption and sealing of FOIA records after public disclosures.

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PANEL V  
Tweed Courtroom (Room 414-D)  
9:30 a.m.

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22-1895 [Briefs](#) ARBITRATION: Whether the district court erred in concluding that Petitioners failed to show that the arbitration panel  
Stanley Friedler v. Stifel, Nicolaus, & Company manifestly disregarded the law.  
(Gallagher)

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22-2263 [Briefs](#) BANKRUPTCY: Standing to appeal; whether bankruptcy court exceeded its authority by adopting local plan form  
Sheila Trantham v. Steven Tate mandating that property of estate vests after final decree.  
(Cogburn)

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23-1242 [Briefs](#) CIVIL: Whether the appellant's constitutional challenges to a county billboard ordinance are moot under the pending  
Adams Outdoor Advertising Limited Partnership ordinance doctrine; other issues.  
v. Beaufort County  
(Hendricks)

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23-1661 [Briefs](#) CIVIL: Whether appellant is entitled to judicial review of agency's notice of non-compliance.  
Jake's Fireworks Inc. v. United States Consumer  
Product Safety Commission  
(Chuang)

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

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23-1941 [Briefs](#)  
Sheila Webb v. Leon Lott  
(Currie) CIVIL: Multi-issue appeal, including challenges to district court's refusal to bifurcate proceedings and decisions on admissibility of evidence.

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23-4094 [Briefs](#)  
US v. Kenneth Watkins  
(Conrad) CRIMINAL: Whether admission of rap lyrics was unduly prejudicial; calculation of drug weight for Eutylone.

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23-1634 [Briefs](#)  
Moke America LLC v. Moke International Ltd.  
(Novak) TRADEMARK: Whether district court erred in shifting the burden after trial, requiring showing of non-genericness of mark; party presentation principle; other issues.  
Associations: 23-1720, 23-1675

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23-2031 [Briefs](#)  
Sylvia Smith-Phifer v. City of Charlotte  
(Conrad) CIVIL: Challenge to district court's order granting enforcement of settlement agreement in favor of defendant city.

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Butzner Courtroom 201  
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21-4093 [Briefs](#) CRIMINAL: Whether a condition of supervised release requiring probation officer's approval to possess any internet-capable device is overbroad or impermissibly delegates judicial decision making.  
US v. Robert Ellis  
(Reidinger)

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22-1054 [Briefs](#) CIVIL: Whether district court erred dismissing qui tam suit over relator's objection without a hearing.  
United States ex rel. John Doe v. Credit  
Suisse AG  
(Hilton)

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22-1943 [Briefs](#) CIVIL: Whether district court erred in holding certain provisions of TILA and RESPA do not apply to a HELOC mortgage loan.  
William Lyons v. PNC Bank, N.A.  
(Gallagher)

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Blue Courtroom (Room 339)  
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23-2185	<a href="#">Briefs</a>	CIVIL: Whether right-of-way agreement created one easement or two distinct easements; propriety of preliminary injunction based on right-of-way agreement.
Williams Ohio Valley Midstream, LLC v. Phillip Kittle (Bailey)		
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23-6882	<a href="#">Briefs</a>	CIVIL: Challenge to district court's dismissal of Monell claim against defendant county based on prosecutors' role in wrongful conviction.
Nathan Barnett v. Cabell County Commission (Chambers)		
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23-1867	<a href="#">Briefs</a>	CIVIL: Challenge to district court's dismissal for failure to state a claim in case involving law enforcement killing during a traffic stop.
Wakita Doriety v. Matthew Sletten (Eagles)		

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

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23-1717	<a href="#">Briefs</a>	JURISDICTION: Whether order denying motion to dismiss based on failure to join necessary and indispensable sovereign party is immediately appealable under collateral order doctrine.
Mark McEvoy v. Diversified Energy Company (Bailey)		
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23-1875	<a href="#">Briefs</a>	CIVIL: Whether district court erred in granting preliminary injunction allowing appellee to plug natural gas well prior to joinder of necessary party; other issues.
Charles Wendt v. Marshall County Coal Resources (Bailey)		
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23-2053	<a href="#">Briefs</a>	CIVIL: Whether district court erred in determining that Florida Department of Emergency Management waived sovereign immunity.
Global Innovative Concepts, LLC v. State of Florida (Flanagan)		
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22-1224	<a href="#">Briefs</a>	CIVIL: Propriety of Fed. R. Civ. P. 50(b) determination that contract's condition precedent was ambiguous; propriety of denial of motion to withdraw stipulation.
Red Apple Development, LLC v. Rufus Road Partners (Mullen)		

Associations: 22-1346

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Tweed Courtroom (Room 414-D)  
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23-1795 [Briefs](#)  
Apyrl Shue v. Martin O'Malley  
(Fitzpatrick)

SOCIAL SECURITY: Whether ALJ erred by failing to evaluate the medical necessity of Appellant's service animal; if so, whether the error is harmless.

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23-1849 [Briefs](#)  
SC Dept of Parks, Recreation and Tourism v.  
Google LLC  
(Anderson)

CIVIL: Whether state's voluntary involvement in antitrust action against private corporation waived its sovereign immunity, such that state was subject to federal subpoena; other issues.

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23-4072 [Briefs](#)  
US v. Jamie Henderson  
(Flanagan)

CRIMINAL LAW: Whether evidence sufficiently corroborated Defendant's confession to multiyear drug conspiracy with major local drug dealer.

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23-6071 [Briefs](#)  
US v. Michael Hodge  
(Flanagan)

CIVIL COMMITMENT: Whether the district court failed to adequately consider Hodges supervised release conditions and outstanding parole detainer before civilly committing him as sexually dangerous.

PANEL VI  
Tan Courtroom (Room 223)  
9:30 a.m.

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23-2192 [Briefs](#)  
Northern Virginia Hemp and Agriculture, LLC  
v. Commonwealth of Virginia  
(Brinkema)

CIVIL: Whether Virginia's total THC standard is preempted by the Farm Act; whether sales restriction violates dormant Commerce Clause.

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23-1680 [Briefs](#)  
Latoya Benton v. Seth Layton  
(Hudson)

CIVIL: Challenge to district court's finding of qualified immunity for officers who shot and killed an individual during a traffic stop.

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22-4735 [Briefs](#)  
US v. Izzat Freitekh  
(Whitney)

Associations: 22-4736

CRIMINAL: Multiple issues arising out of fraudulent PPP loans, including interplay of Confrontation Clause and attorney-client privilege where attorneys were called as witnesses.

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23-4352 [Briefs](#)  
US v. Maggie Boler  
(Wooten)

SENTENCING: Whether "loss", as used in USSG section 2B1.1(b)(1), means only actual loss or also includes intended loss, as stated in the commentary to that provision.

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

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21-6423	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether prison's internal investigation fulfilled inmate-plaintiff's administrative exhaustion requirement under PLRA.
Kevin Younger v. Neil Dupree (Bennett)		
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23-1854	<a href="#">Briefs</a>	CIVIL: Multi-issue challenge to district court's dismissal of plaintiff's IDEA claims.
D.C. v. Fairfax County School Board (Nachmanoff)		
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23-1707	<a href="#">Briefs</a>	CIVIL: Whether district court erred in granting summary judgment to defendant cargo carrier in case involving cargo destroyed by U.S. Customs and Border Protection.
We CBD, LLC v. Planet Nine Private Air, LLC (Whitney)		
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23-1791	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether defendant officers were properly awarded summary judgment on malicious prosecution and fabrication of evidence claims.
Lee Harris, Sr. v. Town of Southern Pines (Osteen)		

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Butzner Courtroom 201  
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23-6151	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether district court erred in granting summary judgment to prison officials on excessive force and Fourth Amendment claims arising from body cavity search.
Thomas Alexander v. Sergeant Connor (Dever)		
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22-7190	<a href="#">Briefs</a>	POST-CONVICTION: Whether reasonable jurists could conclude that counsel conceded defendant's guilt against his wishes, in violation of <i>McCoy v. Louisiana</i> , 138 S. Ct. 1500 (2018).
US v. Ahmad Hashimi (O'Grady)		
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23-1230	<a href="#">Briefs</a>	ARBITRATION: Propriety of determinations that arbitration clause was not validly incorporated into bills of lading and not binding on Plaintiff.
Hawthorne Industrial Products, Inc. v. Ratu Shipping (Bennett)		
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23-1013	<a href="#">Briefs</a>	INSURANCE: Whether district court correctly granted Plaintiff summary judgment on breach of indemnity agreement claim; other issues.
Liberty Mutual Insurance Company v. Atain Specialty (Bailey)		

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23-1905 [Briefs](#) CIVIL: Challenge to dismissal of stockholder claims against Directors related to deal that netted millions of dollars for  
Julia Kim v. Cedar Realty Trust, Inc. common stockholders and nothing for preferred stockholders.  
(Russell)

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23-2040 [Briefs](#) CONSTITUTIONAL LAW: Challenge to North Carolina's sex offender registration scheme as ex post facto punishment.  
National Assoc. For Rational Sexual Offense Laws  
v. Joshua Stein  
(Biggs)

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22-1700 [Briefs](#) IMMIGRATION: Whether solicitation of prostitution under Virginia law is categorically a crime involving moral turpitude.  
Dolores Ortega-Cordova v. Merrick Garland

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23-1581 [Briefs](#) CIVIL RIGHTS: Whether Appellees violated the First Amendment and the Equal Protection Clause of the Fourteenth  
Warren Balogh v. Commonwealth of Virginia Amendment; related issues.  
(Moon)

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23-1796 [Briefs](#)  
Capitol Broadcasting Company, Incorporated  
v. City of Raleigh  
(Biggs)

CIVIL: Whether district court had jurisdiction over declaratory judgment action regarding interpretation of Drivers Privacy Protection Act, 18 U.S.C. § 2721.

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23-1760 [Briefs](#)  
Chyanne Turner v. Commissioner of Social  
Security  
(Ellis)

SOCIAL SECURITY: Whether substantial evidence supports the ALJ's residual functional capacity determination given multiple opinions as to Plaintiff's expected absenteeism.

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23-2045 [Briefs](#)  
Berkley Assurance Company v. CBG Building Co.  
(Brinkema)  
Associations: 23-2091

INSURANCE: Whether building contractor's mold remediation qualified as "pollution loss" under insurance policy; other issues.

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21-1575 [Briefs](#) CIVIL RIGHTS: Whether involuntarily-committed Appellant alleged facts sufficient to overcome presumption of validity  
Rashad Riddick v. Jack Barber accorded professional judgments regarding prolonged restraint and seclusion; related issues.  
(Novak)

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23-1582 [Briefs](#) ATTORNEYS FEES: Whether district court adequately explained fee award, and whether court erred in reducing claimed  
Jong Lee v. Agape Health Management, Inc. fees.  
(Fitzpatrick)  
Associations: 23-1647, 23-1586, 23-1636

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23-1107 [Briefs](#) CIVIL RIGHTS: Whether the district court erred in granting summary judgment to police officer on Plaintiff's excessive  
Kristee Boyle v. Joseph Azzari, Jr. force claim; other issues.  
(Hazel)

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23-4081 [Briefs](#) CRIMINAL: Whether evidence supports 18 U.S.C. § 924(c) conviction based on bartering drugs for money; propriety of jury  
US v. Christopher Baker instruction; admission of expert testimony regarding gang membership.  
(Myers)

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Red Courtroom (Room 412)  
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22-1393 [Briefs](#) CIVIL: Whether plaintiff adequately alleged the fax it received is an advertisement under the TCPA.  
Family Health Physical Medicine, LLC v.  
Pulse8, LLC  
(Gallagher)

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22-4391 [Briefs](#) SENTENCING: Whether the court reversibly erred when it failed to afford Appellant an opportunity to allocute before the  
US v. Marcus Ashford court imposed sentence; other issues.  
(Lewis)

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22-4508 [Briefs](#) CRIMINAL: Whether Defendants were denied the right to a public trial when video feed did not show jury.  
US v. Aghee Smith, II  
(Jackson)  
Associations: 22-4521

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23-1578	<a href="#">Briefs</a>	CIVIL: Whether decedent's spouse had to present meritorious argument to preclude denial of Rule 60(b) motion when substitute party had not been named.
Darlene Lancaster v. Secretary of the Navy (Hanes)		
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23-1314	<a href="#">Briefs</a>	TAX: Multi-issue challenge to tax court's disallowance of carry-forward charitable deductions for a conservation easement.
Kenneth Brooks v. Commissioner of Internal Revenue		
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23-1937	<a href="#">Briefs</a>	JURISDICTION: Whether district court erred in holding Eli Cove was not a navigable waterway for purposes of admiralty jurisdiction.
Baltimore Gas and Electric Company v. Coastline Commercial Contracting, Inc. (Griggsby)		
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23-4285	<a href="#">Briefs</a>	CRIMINAL LAW: Whether Whitley's convictions for Hobbs Act robbery and carjacking violate the Double Jeopardy Clause.
US v. Douglas Whitley (Brinkema)		

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23-1406 [Briefs](#) CIVIL: Whether licensed substance abuse counselor plaintiffs failed to state a claim for wrongful discharge in violation of public policy.  
Kim Shook v. NCG Acquisition, LLC  
(Reidinger)

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23-1568 [Briefs](#) EMPLOYMENT: Whether district court erred in granting defendant summary judgment on plaintiff's discrimination claims.  
Carmen Wannamaker-Amos v. Purem Novi, Inc.  
(McDonald)

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22-4671 [Briefs](#) CRIMINAL: Whether district court properly denied motion to suppress warrantless seizure of cell phones under search-incident-to-arrest exception; other issues.  
US v. Quentin Horsley  
(Moon)

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Gold Courtroom (Room 348)  
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21-7512 [Briefs](#) POSTCONVICTION: Whether Virginia prison disciplinary code prohibiting inmate from encouraging others to participate  
Askari Lumumba v. Jeffrey Kiser in group demonstration is unconstitutional under void-for-vagueness and overbreadth doctrines.  
(Moon)

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23-4443 [Briefs](#) CRIMINAL: Whether district court erred in dismissing 10 counts of 14-count superseding indictment based on pre-  
US v. David Minkkinen indictment delay.  
(Berger)

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