

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
Richmond, VA (5/7/2024 - 5/10/2024 Session)

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Tuesday, May 7, 2024

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)		
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)		
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)		
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		

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PANEL II  
Butzner Courtroom 201  
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19-4620	<a href="#">Briefs</a>	CRIMINAL: Multiple issues arising out of lengthy jury trial and denial of motion for new trial based on officer's engagement in criminal behavior.
US v. Randy Banks (Blake)		
Associations: 19-4826, 20-4193, 20-4250, 20-4266		

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21-6952	<a href="#">Briefs</a>	POSTCONVICTION: Whether the district court abused its discretion by denying Appellant's motion for sentence reduction under section 404 of the First Step Act of 2018.
US v. Rashon Edwards (Dever)		

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23-1988	<a href="#">Briefs</a>	CIVIL: Propriety of determination that abstention under <i>Burford v. Sun Oil Co.</i> , 319 U.S. 315 (1943), was warranted in action under Clean Air Act.
Benjamin Butler v. New-Indy Catawba LLC (Lydon)		

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23-1529	<a href="#">Briefs</a>	INSURANCE: Whether the district court erred in determining the accrual date of the insured's claims for post-judgment interest for purposes of Maryland's statute of limitations.
Daquantay Robinson v. Pennsylvania National (Griggsby)		

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

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22-4642	<a href="#">Briefs</a>	CRIMINAL: Whether probable cause existed for search of IP address linked to appellant when IP address was discovered through warrantless search; other issues.
US v. Raymond Dugan (Goodwin)		

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23-1182	<a href="#">Briefs</a>	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	<a href="#">Briefs</a>	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	<a href="#">Briefs</a>	CLASS ACTION: Challenge to district court's denial of class certification in international Ponzi scheme litigation.
Xunhui Cheng v. Dan Liu (Dawson)		

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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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Tweed Courtroom (Room 414-D)  
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22-1895	<a href="#">Briefs</a>	ARBITRATION: Whether the district court erred in concluding that Petitioners failed to show that the arbitration panel manifestly disregarded the law.
Stanley Friedler v. Stifel, Nicolaus, & Company (Gallagher)		

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

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

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23-1661	<a href="#">Briefs</a>	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	<a href="#">Briefs</a>	CIVIL: Multi-issue appeal, including challenges to district court's refusal to bifurcate proceedings and decisions on admissibility of evidence.
Sheila Webb v. Leon Lott (Currie)		
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23-4094	<a href="#">Briefs</a>	CRIMINAL: Whether admission of rap lyrics was unduly prejudicial; calculation of drug weight for Eutylone.
US v. Kenneth Watkins (Conrad)		
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23-1634	<a href="#">Briefs</a>	TRADEMARK: Whether district court erred in shifting the burden after trial, requiring showing of non-genericness of mark; party presentation principle; other issues.
Moke America LLC v. Moke International Ltd. (Novak)		
Associations: 23-1720, 23-1675		
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23-2031	<a href="#">Briefs</a>	CIVIL: Challenge to district court's order granting enforcement of settlement agreement in favor of defendant city.
Sylvia Smith-Phifer v. City of Charlotte (Conrad)		

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

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21-4093	<a href="#">Briefs</a>	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	<a href="#">Briefs</a>	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	<a href="#">Briefs</a>	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)  
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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)		
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)		
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)		
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	<a href="#">Briefs</a>	SOCIAL SECURITY: Whether ALJ erred by failing to evaluate the medical necessity of Appellant's service animal; if so, whether the error is harmless.
Apryl Shue v. Martin O'Malley (Fitzpatrick)		

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23-1849	<a href="#">Briefs</a>	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.
SC Dept of Parks, Recreation and Tourism v. Google LLC (Anderson)		

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23-4072	<a href="#">Briefs</a>	CRIMINAL LAW: Whether evidence sufficiently corroborated Defendant's confession to multiyear drug conspiracy with major local drug dealer.
US v. Jamie Henderson (Flanagan)		

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23-6071	<a href="#">Briefs</a>	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.
US v. Michael Hodge (Flanagan)		

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PANEL VI  
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23-2192	<a href="#">Briefs</a>	CIVIL: Whether Virginia's total THC standard is preempted by the Farm Act; whether sales restriction violates dormant Commerce Clause.
Northern Virginia Hemp and Agriculture, LLC v. Commonwealth of Virginia (Brinkema)		
<hr/>		
23-1680	<a href="#">Briefs</a>	CIVIL: Challenge to district court's finding of qualified immunity for officers who shot and killed an individual during a traffic stop.
Latoya Benton v. Seth Layton (Hudson)		
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22-4735	<a href="#">Briefs</a>	CRIMINAL: Multiple issues arising out of fraudulent PPP loans, including interplay of Confrontation Clause and attorney-client privilege where attorneys were called as witnesses.
US v. Izzat Freitekh (Whitney)		
Associations: 22-4736		
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23-4352	<a href="#">Briefs</a>	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.
US v. Maggie Boler (Wooten)		

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

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

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23-2040	<a href="#">Briefs</a>	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	<a href="#">Briefs</a>	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	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether Appellees violated the First Amendment and the Equal Protection Clause of the Fourteenth Amendment; related issues.
Warren Balogh v. Commonwealth of Virginia (Moon)		

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Gold Courtroom (Room 348)  
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23-1796	<a href="#">Briefs</a>	CIVIL: Whether district court had jurisdiction over declaratory judgment action regarding interpretation of Drivers Privacy Protection Act, 18 U.S.C. § 2721.
Capitol Broadcasting Company, Incorporated v. City of Raleigh (Biggs)		

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23-1760	<a href="#">Briefs</a>	SOCIAL SECURITY: Whether substantial evidence supports the ALJ's residual functional capacity determination given multiple opinions as to Plaintiff's expected absenteeism.
Chyanne Turner v. Commissioner of Social Security (Ellis)		

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23-2045	<a href="#">Briefs</a>	INSURANCE: Whether building contractor's mold remediation qualified as "pollution loss" under insurance policy; other issues.
Berkley Assurance Company v. CBG Building Co. (Brinkema)		
Associations:	23-2091	

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23-1832	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether district court erred in denying qualified immunity to officer who fatally shot unarmed decedent.
Estate of Joseph Lopez v. Matthew Hamilton (Biggs)		

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

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

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

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

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22-1393	<a href="#">Briefs</a>	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	<a href="#">Briefs</a>	SENTENCING: Whether the court reversibly erred when it failed to afford Appellant an opportunity to allocute before the court imposed sentence; other issues.
US v. Marcus Ashford (Lewis)		

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22-4508	<a href="#">Briefs</a>	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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23-4098	<a href="#">Briefs</a>	CRIMINAL: Whether 18 U.S.C. § 924(c) conviction can be sustained where the jury acquitted defendant of predicate controlled substance offense; other issues.
US v. Christopher McPherson (Young)		

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Butzner Courtroom 201  
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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.
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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.
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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.
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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.
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23-1406	<a href="#">Briefs</a>	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)		
23-1568	<a href="#">Briefs</a>	EMPLOYMENT: Whether district court erred in granting defendant summary judgment on plaintiff's discrimination claims.
Carmen Wannamaker-Amos v. Purem Novi, Inc. (McDonald)		
22-4671	<a href="#">Briefs</a>	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)		
23-1642	<a href="#">Briefs</a>	CIVIL: Propriety of granting Defendant's Fed. R. Civ. P. 12(b)(6) motion to dismiss based on alleged pleading deficiencies in Plaintiffs' amended complaint.
Michael Bailey v. Certain Interested Underwriters (Dever)		

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Gold Courtroom (Room 348)  
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23-1745	<a href="#">Briefs</a>	CIVIL: Whether district court erred granting preliminary injunction in favor of Frankenmuth requiring National Bridge to deposit collateral security of \$15 million.
Frankenmuth Mutual Insurance Company v. National Bridge Builders, LLC (Reidinger)		

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21-7512	<a href="#">Briefs</a>	POSTCONVICTION: Whether Virginia prison disciplinary code prohibiting inmate from encouraging others to participate in group demonstration is unconstitutional under void-for-vagueness and overbreadth doctrines.
Askari Lumumba v. Jeffrey Kiser (Moon)		

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23-4621	<a href="#">Briefs</a>	CRIMINAL: Whether court erred in excluding, under Fed. R. Evid. 414, evidence of prior child pornography possession conviction in child pornography production prosecution.
US v. Alex Chin (Chambers)		

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23-4443	<a href="#">Briefs</a>	CRIMINAL: Whether district court erred in dismissing 10 counts of 14-count superseding indictment based on pre-indictment delay.
US v. David Minkinen (Berger)		

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Tweed Courtroom (Room 414-D)  
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