

Tuesday, September 13, 2022

Check-in at Room 101 (Library) at: 9:00 for the First Case; 9:30 for the Second Case; 10:00 for the Third Case; 10:30 for the Fourth Case

19-1059 Phillip Alig v. Quicken Loans Inc. (Bailey)	Briefs	CLASS ACTION: Challenge to class certification and summary judgment for plaintiffs on unconscionable inducement claims under West Virginia Consumer Credit and Protection Act; other issues.
21-2101 Tiffany Bass v. Weinstein Management Co., (Eagles)	Briefs	CIVIL: Whether amendment to NC statute allowing landlords to charge eviction fees may be retroactive as to appellants under NC Constitution.
20-6278 Ajanaku Murdock v. Christina Thompson (Whitney)	Briefs	CIVIL RIGHTS: Whether district court properly dismissed access-to-the-courts claim; whether defendants were entitled to summary judgment on First Amendment claims related to prison's mail procedures.
16-7671 US v. Cecil Davis (Ellis)	Briefs	POSTCONVICTION: Whether section 2255 motion was timely filed; if so, whether section 924(c) conviction was supported by proper predicate.

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

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21-1496	Briefs	IMMIGRATION: Whether the petition for review was timely filed; related issues.
Ana Santos-De Jimenez v. Merrick Garland		
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20-2072	Briefs	IMMIGRATION: Whether agency took an excessively narrow view of nexus element in ruling that Petitioner's family membership was not "one central reason" for alleged persecution.
Maira Madrid-Montoya v. Merrick Garland		
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20-1650	Briefs	CIVIL: Whether district court erred in holding defendant's nolo contendere plea barred her from challenging probable cause for arrest in subsequent civil suit; other issues.
Julie Hamstead v. D. Walker (Bailey)		
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20-2056	Briefs	CONSTITUTIONAL LAW: Whether emergency declaration barring nonresident property owners from entering county because of COVID-19 pandemic constituted regulatory taking of property.
Joseph Blackburn, Jr. v. Dare County (Flanagan)		

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

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20-2215 [Briefs](#) CIVIL: Multiple issues arising out of Federal Trade Commission action against developers of resort in Belize.
Federal Trade Commission v. Andris Pukke
(Messitte)
Associations: 21-1454, 21-1520, 21-1521, 21-1591, 21-1592

20-2270 [Briefs](#) CIVIL: Whether there is a genuine dispute of material fact concerning plaintiff's design-defect and failure-to-warn claims.
Ruby Lowe v. Cerner Health Services, Inc.
(Hilton)

21-6206 [Briefs](#) CIVIL RIGHTS: Whether there are genuine issues concerning finding that choice to deny assistive walking device in the
Edward Nellson v. John Doe
(Bailey)
SHU was a medical decision; related issues.

20-6396 [Briefs](#) POSTCONVICTION: Whether cause and prejudice or actual innocence excuse procedural default of Davis claim; whether
US v. Donzell McKinney
(Reidinger)
claim is barred by plea agreement's postconviction waiver; other issues.

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

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20-7912	Briefs	CRIMINAL: Whether district court improperly departed from principle of party presentation; other issues.
US v. Michael Mangarella (Whitney)		
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21-6242	Briefs	POSTCONVICTION: Whether district court abused discretion in failing to explicitly consider arguments for compassionate release.
US v. Lonnie Malone (Jones)		
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21-1766	Briefs	EMPLOYMENT: Whether district court erred in dismissing racially and retaliatory hostile work environment and retaliation claims; other issues.
Marie Laurent-Workman v. Christine Wormuth (Trenga)		
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20-2319	Briefs	CIVIL: Whether Maryland courts would apply efficient proximate cause rule or sole proximate cause rule to an ensuing loss clause in an insurance policy.
Bethany Boardwalk Group LLC v. Everest (Hollander)		

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

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19-9512	Briefs	RECIPROCAL DISCIPLINE HEARING
In re: Rhetta Daniel		
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21-6507	Briefs	CIVIL RIGHTS: Whether summary judgment for Defendants was proper on RLUIPA claim alleging substantial burden and on failure to accommodate disability claim; other issues.
David Richardson v. Harold Clarke (Hudson)		
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18-2496	Briefs	IMMIGRATION: Whether to afford Chevron deference to the Board's ruling in In re Song, 27 I. & N. Dec. 488 (B.I.A. 2018).
Sothon Song v. Merrick Garland Associations: 21-1852		
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20-2054	Briefs	LABOR: Whether district court erred in concluding that company failed to demonstrate Article III case or controversy under section 302 of Labor Management Relations Act.
Mack Trucks, Incorporated v. Intl Union, UAW (Russell)		

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

Tuesday, September 13, 2022

Wednesday, September 14, 2022

Check-in at Room 101 (Library) at: 9:00 for the First Case; 9:30 for the Second Case; 10:00 for the Third Case; 10:30 for the Fourth Case

20-7895 [Briefs](#) POSTCONVICTION: Whether the district court erred in denying motion for compassionate release without addressing the
US v. Brandon James family circumstances alleged in appellant's supplemental letter.
(Reidinger)

20-6812 [Briefs](#) POSTCONVICTION: Whether VICAR crimes premised on specific offenses under Va. Code Ann. sections 18.2-32, 18.2-51,
US v. Martin Manley are crimes of violence under section 924(c)'s force clause.
(Smith)

21-1322 [Briefs](#) CIVIL RIGHTS: Whether the district court erred in finding Plaintiffs were prevailing parties under 42 U.S.C. section 1988
Cities4Life, Inc. v. City of Charlotte following entry of consent judgment.
(Bell)

20-6712 [Briefs](#) POSTCONVICTION: Whether Appellee violated Habeas Rule 5 and Rules of Civil Procedure; whether district court's
Arthur Sanford v. Harold Clarke proceedings violated due process.
(Brinkema)

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

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19-1643	Briefs	TORT: Review of district court's dismissal of wrongful death claims for lack of subject matter jurisdiction in light of South Carolina Supreme Court's decision in Keene v. CNA Holdings.
Sallie Zeigler v. Eastman Chemical Company (Childs)		
Associations: 19-1646, 19-1647		
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21-1244	Briefs	CONTRACTS: Whether the district court erred in construing the terms of price increase caps in a contract and addendum.
Bristol Metals, LLC v. Messer, LLC (Novak)		
Associations: 21-1245		
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20-1510	Briefs	ERISA: Application of Fed. R. Civ. P. 52 instead of Fed. R. Civ. P. 56; whether Appellee presented objectively satisfactory proof of disability.
Anita Tekmen v. Reliance Standard Life Ins. (Trenga)		
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19-2395	Briefs	EMPLOYMENT: Grant of summary judgment in "mixed case" employment discrimination suit alleging violations of Whistleblower Protection Act, Title VII, and ADEA.
Walton Campbell v. Christine Wormuth (Alston)		

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Butzner Courtroom 201
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20-0014	Briefs	CAPITAL CASE: Whether convictions under 21 USC 848 are "covered offenses" under the First Step Act; related issues.
US v. James Roane, Jr. (Novak)		
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20-0016	Briefs	CAPITAL CASE: Whether convictions under 21 USC 848 are "covered offenses" under the First Step Act; related issues.
US v. Richard Tipton (Novak)		
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20-2117	Briefs	IMMIGRATION: Whether petitioner's removability admission at removal hearing bars argument to the contrary upon Motion to Reopen; whether single paraphernalia possession conviction renders petitioner removable.
Osman Jalloh v. Merrick Garland		
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20-0215	Briefs	POSTCONVICTION: Whether movant may challenge validity of prior 18 U.S.C. section 924(c) conviction used to enhance current federal sentence.
In re: Samuel White		

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

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21-1499 [Briefs](#)
Farm Labor Organizing Committee v. Stein
(Biggs)
Associations: 21-1541

CONSTITUTIONAL LAW: Whether N.C. statute prohibiting voluntary dues checkoff agreements for farmworkers violates First Amendment and Equal Protection Clause; related issues.

21-1230 [Briefs](#)
Blazine Monaco v. WV Parkways Authority
(Goodwin)

CIVIL: Whether West Virginia Parkways Authority must comply with West Virginia Administrative Procedures Act in assessing fees for failure to pay tolls; other issues.

19-2406 [Briefs](#)
Madison Mechanical, Inc. v. Twin City Fire
(Gallagher)

INSURANCE: Whether the court properly granted insurance company declaratory judgment at summary judgment stage on company's counterclaim regarding availability of coverage under insurance policy.

22-6464 [Briefs](#)
US v. Nathaniel Williams
(Britt)

CIVIL COMMITMENT: Whether the district court erred in reading the word "unconditional" into 18 U.S.C sec. 4246(d)'s substantial risk analysis.

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

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20-2153 [Briefs](#)
Olivia Neal v. East Carolina University
(Britt) CIVIL: Propriety of ruling in action under Title II of the Americans with Disabilities Act that student was not otherwise qualified to participate in master's program.

21-1930 [Briefs](#)
Paul Tarashuk v. Jamie Givens
(Childs) CIVIL: Whether paramedics were entitled to qualified immunity in sec. 1983 action arising from paramedics' failure to transport individual to hospital, leading to his death.
Associations: 21-1931

22-4095 [Briefs](#)
US v. Patrick Groves
(Bailey) SENTENCING: Whether aiding and abetting a "controlled substance offense" is categorically a controlled substance offense under USSG 4B1.2(b).

21-1998 [Briefs](#)
Justin Brown v. Sherry Bratton
(Coulson) CIVIL RIGHTS: Challenge to district court's dismissal for failure to state a claim, grant of summary judgment in racial discrimination case.

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

Wednesday, September 14, 2022

Thursday, September 15, 2022

Check-in at Room 101 (Library) at: 8:30 for the First Case; 9:00 for the Second Case

20-1342 [Briefs](#) REHEARING EN BANC
Jane DiCocco v. Merrick Garland
(Gibney)

20-2330 [Briefs](#) REHEARING EN BANC
United States ex rel. Deborah Sheldon v.
(Hollander)

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

Thursday, September 15, 2022

Friday, September 16, 2022

Check-in at Room 101 (Library) at: 8:00 for the First Case; 8:30 for the Second Case; 9:00 for the Third Case; 9:30 for the Fourth Case

21-2391 [Briefs](#)
Katrina Reeves v. Howard Meddings
(Chambers) CIVIL: Challenge to district court's denial of qualified immunity for government employee alleged to have caused appellee's arrest by providing false information to law enforcement.

20-4514 [Briefs](#)
US v. Enil Montoya Velasquez
(Dever) CRIMINAL: Whether open-ended continuances are authorized under the Speedy Trial Act; sufficiency of district court's explanation for granting continuance; other issues.

21-1277 [Briefs](#)
Liberty Mutual Fire Insurance Company v.
(Cayer) INSURANCE: Whether the court properly exercised jurisdiction over, and correctly granted motion for judgment on the pleadings in, declaratory judgment action; other issues.

21-1381 [Briefs](#)
Odalis Chicas-Machado v. Merrick Garland IMMIGRATION: Whether Petitioner's religion is one central reason she was targeted for persecution.

PANEL I
Red Courtroom (Room 412)
8:30 a.m.

Friday, September 16, 2022

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22-1280 [Briefs](#) CONSTITUTIONAL LAW: Whether admissions plan for Thomas Jefferson High School for Science and Technology
Coalition for TJ v. Fairfax County School Board discriminates against Asian Americans in violation of the Equal Protection Clause.
(Hilton)

21-1764 [Briefs](#) CIVIL: Whether college athlete lacked standing to bring RICO suit related to loss of NCAA eligibility; related issues.
Brian Bowen, II v. Adidas America Inc.
(Anderson)
Associations: 21-2029

19-4707 [Briefs](#) CRIMINAL: Whether conviction for maintaining drug-involved premises requires proof that illicit drug activity was a
US v. Kacey Hicks primary or significant purpose of the premises; other issues.
(Boyle)

21-2102 [Briefs](#) CIVIL: Whether South Carolina's Physicians' Patient Records Act creates an implied private right of action; other issues.
Tammie Thompson v. Ciox Health, LLC
(Hendricks)

PANEL II
Butzner Courtroom 201
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21-1918 [Briefs](#)
Michele Williams v. Morgan State University
(Russell)
CIVIL: Whether University is entitled to sovereign immunity from claims under the National Defense Authorization Act and American Recovery and Reinvestment Act.

21-4121 [Briefs](#)
US v. Terrick Robinson
(Kleeh)
CRIMINAL: Whether distribution resulting in serious bodily injury or death requires "but for" proof where evidence establishes independently sufficient cause; other issues.

21-1555 [Briefs](#)
Jacob Pfaller v. Mark Amonette
(Payne)
Associations: 21-1612
CONSTITUTIONAL LAW: Whether, for purposes of qualified immunity, a Hepatitis C positive inmate has a clearly established right to treatment with Direct Acting Antiviral drugs.

20-1305 [Briefs](#)
Maria Morales v. Merrick Garland
IMMIGRATION: Whether Petitioner's proposed particular social group meets particularity and social distinction requirements.

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21-1472 [Briefs](#) CIVIL: Whether district court erred by dismissing Appellant's Fed. R. Civ. P. 22 interpleader complaint as improperly brought.
Brown Investment Advisory & Trust Company
(Bredar)

21-2104 [Briefs](#) JURISDICTION: Whether district court had jurisdiction under Foreign Sovereign Immunities Act to hear claims against
Blenheim Capital Holdings Ltd. v. Lockheed
(O'Grady)

21-4190 [Briefs](#) CRIMINAL: Whether district court abused its discretion in permitting summary testimony and, if not, whether testimony
US v. Aminta Smith
(Cogburn)

21-1715 [Briefs](#) CIVIL: Propriety of deducting postproduction costs from oil and gas lease royalties in West Virginia.
Gerald Corder v. Antero Resources Corporation
(Keeley)
Associations: 21-1716

PANEL IV
Gold Courtroom (Room 348)
8:30 a.m.

Friday, September 16, 2022