

Tuesday, December 6, 2022

22-1844	Briefs	CONSTITUTIONAL LAW: Challenge to district court's refusal to enjoin grand jury proceedings related to statute which criminalizes derogatory speech about a political candidate.
Juliette Grimmett v. Nancy Freeman (Eagles)		
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22-1147	Briefs	IMMIGRATION: Whether Va. Code Ann. 18.2-108 (Receiving, etc., stolen goods) is a crime involving moral turpitude.
Cesar Solis-Flores v. Merrick Garland		
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21-2377	Briefs	IMMIGRATION: Whether former gang member, who agency found will likely be tortured in Honduras, failed to establish government acquiescence.
Jesus Ponce-Flores v. Merrick Garland		
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21-4419	Briefs	CRIMINAL: Whether this Court has jurisdiction to review defendant's challenge to supervised release conditions reimposed following revocation; district court's authority to modify conditions.
US v. Joseph Castellano (Jackson)		

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

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21-2313	Briefs	CIVIL: Whether district court committed errors warranting new trial in 42 USC 1983 action against law enforcement officers involved in plaintiffs' wrongful convictions.
J. Gilliam v. Leroy Allen (Boyle)		
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21-1978	Briefs	CONTRACT: Whether new terms in invoice became part of contract pursuant to Md. U.C.C. section 2-207 upon acceptance of delivery and payment; propriety of sanctions.
Bioiberica Nebraska, Inc. v. Nutramax (Gallagher)		
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21-1255	Briefs	CONSTITUTIONAL LAW: Whether Maryland's ban on semiautomatic rifles as assault weapons violates Second Amendment; impact of New York State Rifle & Pistol Assn v. Bruen, 142 S. Ct. 2111 (2022).
Dominic Bianchi v. Brian Frosh (Bredar)		
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22-1020	Briefs	CONSTITUTIONAL LAW: Whether district court properly denied qualified immunity to principal who allegedly failed to protect teacher from student with record of violent incidents.
Kimberly Burns-Fisher v. Anna Romero-Lehrer (Dever)		

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

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21-4577 [Briefs](#) SENTENCING: Whether district court erred in imposing condition of supervised release authorizing
US v. Roger Locklear warrantless searches; whether defendant sufficiently preserved challenge.
(Dever)

21-2238 [Briefs](#) SECURITIES FRAUD: Whether district court erred in dismissing complaint finding Defendant had no duty to
Employees' Retirement System v. Macrogenics disclose and its statements were not actionable.
(Hazel)

21-2402 [Briefs](#) CIVIL: Whether, for qualified immunity purposes, officer acted reasonably when shooting and killing person
Deborah Franklin v. City of Charlotte who was attempting to comply with officers' directions to produce firearm.
(Mullen)

21-2165 [Briefs](#) CIVIL: Whether court erred in performing choice of law analysis and dismissing claim for lack of jurisdiction
Malcolm Wiener v. AXA Equitable Life after verdict rendered and judgment entered for Plaintiff.
(Conrad)

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Blue Courtroom (Room 339)
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21-2203	Briefs	CIVIL: Challenge to district court's dismissal of claims related to benefits assignments signed by patients experiencing a medical emergency.
Peggy Elrod v. WakeMed (Flanagan)		
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22-1127	Briefs	BANKRUPTCY: Whether Bankruptcy Court lacked subject-matter jurisdiction to enjoin third-party litigation against non-debtor and its affiliates.
Bestwall LLC v. Official Committee of Asbestos (Conrad)		
Associations: 22-1135		
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21-1207	Briefs	CIVIL: Standing to challenge automatic H-1B visa revocations; effectiveness of revocations after visas "ported" to new employers.
Karthikeyan Sakthivel v. Ur Jaddou (Currie)		
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22-1264	Briefs	SOCIAL SECURITY: Whether the ALJ erred by declining to give substantial weight to Appellant's disability rating from the Department of Veterans Affairs; other issues. (15 mins. per side)
Shanette Rogers v. Kilolo Kijakazi (Conrad)		

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21-2074 [Briefs](#) IMMIGRATION: Propriety of agency's assessment of aggregate risk of future torture under Rodriguez-Arias v. Oneil Kerr v. Merrick Garland Whitaker, 915 F.3d 968 (4th Cir. 2019).

22-1129 [Briefs](#) INSURANCE: Whether district court erroneously expanded uninsured motorist coverage from employer's policy to appellee who occupied a vehicle not owned or insured by employer.
Erie Insurance v. James Cooper
(Berger)

21-2357 [Briefs](#) CIVIL: Whether district court correctly granted summary judgment to Plaintiff on strict products liability and contract claims; other issues.
Keralink International, Inc. v. Geri-Care
(Blake)
Associations: 21-2404

21-2241 [Briefs](#) CIVIL: Propriety of ruling that jurisdiction existed under 28 U.S.C. section 1333(1) and Federal Maritime Lien Act; propriety of disposition on necessities claim; other issues.
Hatteras/Cabo Yachts, LLC v. M/Y Epic
(Britt)

PANEL V
Tweed Courtroom (Room 414-D)
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21-2161 [Briefs](#)
Carole Sawyer v. Tideland Health ASC, LLC
(Lydon)
LABOR: Whether a healthcare provider's policy of deducting outstanding medical expenses from its employees' paychecks violates South Carolina Payment of Wages Act or constitutes unconscionable contract.

22-1198 [Briefs](#)
Don Blankenship v. NBCUniversal, LLC
(Copenhaver)
Associations: 22-1207
TORT: Challenge to grant of summary judgment in favor of media defendants in defamation case.

22-1326 [Briefs](#)
Don Blankenship v. Boston Globe Media
(Copenhaver)
TORT: Challenge to grant of summary judgment in favor of media defendants in defamation case.

20-1680 [Briefs](#)
James Schoonover v. Clay County Sheriff's Dept.
(Copenhaver)
CIVIL RIGHTS: Whether district court erred in granting Defendants qualified immunity when Defendants allegedly handcuffed Plaintiff's wrist to his ankle; other issues.

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

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22-1157	Briefs	SECURITIES: Whether a reasonable jury could find that defendant engaged in insider trading based on circumstantial evidence.
SEC v. Christopher Clark (Hilton)		
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21-2385	Briefs	EMPLOYMENT: Whether district court erred in granting university's motion to dismiss doctoral student's Title VI and VII discrimination and retaliation claims.
Andreas Alberti v. Rector and Visitors of UVA (Moon)		
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21-2144	Briefs	CLASS ACTION: Propriety of district court's dismissal for failure to state a claim for violation of S.C. Code Ann. section 37-20-180(A)(4); other issue.
Brady O'Leary v. TrustedID, Inc. (Lydon)		
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21-4283	Briefs	CRIMINAL: Whether information supporting probable cause determination was stale; whether district court abused its discretion in admitting sexually explicit evidence involving 18-year-old.
US v. William Ebert (Whitney)		

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20-2117 Osman Jalloh v. Merrick Garland	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.
21-6658 US v. Carlos McClammy (Hudson)	Briefs	POSTCONVICTION: Whether the district court erred by holding that challenged 18 U.S.C. section 924(c) conviction was based on predicate offense of bank robbery, rather than Hobbs Act conspiracy.
22-1110 US v. Southern Coal Corporation (Urbanski)	Briefs	CIVIL: Whether district court erred in granting motion to compel compliance with consent decree related to environmental laws.
21-2418 Julio Sosa Uvalle v. Merrick Garland	Briefs	IMMIGRATION: Whether conviction for identity theft under Md. Code. Ann., Crim Law section 8-301(c) is categorically a crime involving moral turpitude.

PANEL III
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21-2426 [Briefs](#) CIVIL RIGHTS: Whether district court erred in granting summary judgment for defendant in hostile work
Hayden Teeter v. Loomis Armored US environment, constructive discharge, and retaliation suit.
(Myers)

22-1175 [Briefs](#) CONSTITUTIONAL LAW: Challenge to South Carolina constitutional provision prohibiting the use of public
Bishop of Charleston v. Marcia Adams funds for religious or private educational institutions.
(Hendricks)

22-1070 [Briefs](#) CIVIL: Propriety of district court's sua sponte dismissal based on forum non conveniens.
Precision Weather Solutions v. Farmers Edge
(O'Grady)

22-1104 [Briefs](#) CIVIL: Whether attorney fee shifting statute, N.C. section 6-21.2(2), was consistent with parties' contract and
Colorado Bankers Life v. Academy Financial was properly treated as a mandate or instead was a cap; other issues.
(Dever)

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Gold Courtroom (Room 348)
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21-4413 [Briefs](#)
US v. Christopher Sueiro
(Alston) CRIMINAL: Whether search warrant was unconstitutionally overbroad and lacked probable cause; whether any invalid portion was severable; whether good faith exception applied; other issues.

21-1979 [Briefs](#)
Amanda Mingo v. City of Durham
(Eagles) CIVIL: Whether governmental immunity precludes suit against city for failure to maintain railroad crossing.

21-2223 [Briefs](#)
Azucena Zamorano Aleman v. City of Charlotte
(Conrad) CIVIL: Propriety of summary judgment to police defendants where decedent called police to surrender gun and was not brandishing gun when officer shot him.

21-2267 [Briefs](#)
Benjamin Reetz v. Aon Hewitt Investment
(Bell) ERISA: Whether the district court erred in finding Appellee did not breach fiduciary duties of loyalty and prudence.

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20-7250	Briefs	CIVIL RIGHTS: Whether district court erred in prospectively assessing a strike under 28 U.S.C. section 1915(g); other issues.
Kevin Pitts v. State of South Carolina (Anderson)		
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21-1771	Briefs	CIVIL RIGHTS: Whether district court erred in finding plaintiff's claims barred by statute of limitations.
Jane Doe-2 v. Sheriff of Richland County (Currie)		
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21-2309	Briefs	SECURITIES FRAUD: Whether plaintiff sufficiently pleaded scienter for securities-fraud claim under sec. 10(b) and materiality for proxy-based claim under sec. 14(a).
San Antonio Fire & Police Pension v. Syneos (Flanagan)		
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21-4351	Briefs	CRIMINAL: Whether Appellant's argument regarding judicial vindictiveness on resentencing falls within the scope of the appellate waiver contained in the plea agreement; other issues.
US v. Christopher Singletary (Dever)		

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21-1691 [Briefs](#) ARBITRATION: Whether district court erred in denying arbitration.
Berkeley County School District v. HUB
(Norton)

20-7083 [Briefs](#) POSTCONVICTION: Whether trial counsel rendered ineffective assistance by failing to obtain and present
mitigation evidence, and object to the Commonwealth's use of Coleman's juvenile criminal history.
Christopher Coleman v. Harold Clarke
(Moon)

22-1059 [Briefs](#) BANKRUPTCY: Whether appellant lacked standing to move to reopen bankruptcy proceedings.
Martin Conway v. Smith Development, Inc.
(O'Grady)

22-1495 [Briefs](#) CIVIL: Challenge to district court's order enforcing terms of parties' settlement agreement.
Wudi Industrial (Shanghai) Co., v. Wai Wong
(Hilton)

Associations: 22-1662

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21-2406 [Briefs](#) ERISA: Whether insured's mental/physical incapacity equitably tolled the period for converting his coverage;
Kathy Hayes v. Prudential Insurance Company other issues.
(Dawson)

21-4612 [Briefs](#) CRIMINAL: Whether court correctly concluded Defendant failed to "participate" in sex-offender treatment
US v. Marshall Cohen program; other issues.
(Hendricks)

21-2171 [Briefs](#) CIVIL RIGHTS: Whether district court erred in finding that warrant affidavit supported probable cause and
Kristen Decina v. Horry County Police that qualified immunity applied in malicious prosecution claim; other issues.
(Dawson)

21-1721 [Briefs](#) JURISDICTION: Whether district court erred in finding personal jurisdiction over appellant, declining to
Dmarcian, Inc. v. Dmarcian Europe BV dismiss for forum non conveniens; other issues.
(Reidinger)

Associations: 21-2005, 22-1728

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20-6906 [Briefs](#)
US v. Germaine Cannady
(Bennett) POSTCONVICTION: Whether counsel rendered ineffective assistance by failing to object to the sentencing court's treatment of a prior conviction as a career offender predicate.

19-6089 [Briefs](#)
US v. Thomas Littlejohn
(Reidinger) POSTCONVICTION: Ongoing viability of United States v. Brown, 868 F.3d 297 (4th Cir. 2017), in terms of district court's dispositive timeliness determination.

21-2031 [Briefs](#)
JTH Tax, LLC v. Bablu Shahabuddin
(Smith) CIVIL: Whether district court erred in granting summary judgment on action arising out of lease reassignment dispute between franchisor and franchisee; other claims.

21-1823 [Briefs](#)
The Prudential Ins. Co. v. Shenzhen Stone
(Ellis) TRADEMARK: Whether 1997 registration of domain name constituted "registration" under Anti-cybersquatting Consumer Protection Act; other issues.

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Gold Courtroom (Room 348)
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21-4257	Briefs	CRIMINAL: Whether police officer lacked reasonable suspicion to seize Blount and search vehicle in violation of the Fourth Amendment.
US v. Emmanuel Blount (Cogburn)		
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22-1187	Briefs	SOCIAL SECURITY: Propriety of Rule 12(b)(1) dismissal of class action complaint based on appellant's failure to exhaust administrative remedies; other issues.
L.N.P. v. Kilolo Kijakazi (Nachmanoff)		
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22-1168	Briefs	CONSTITUTIONAL LAW: First Amendment and Equal Protection challenges to school district's social justice program and bias incident reporting system.
Patti Menders v. Loudoun County School Board (Trenga)		
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21-1661	Briefs	IMMIGRATION: Whether agency's denial of I-140 Immigrant Petition for Alien Worker reflects an abuse of discretion, or was arbitrary, capricious, or contrary to the law.
Chuncheng Ren v. USCIS (Young)		

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Tweed Courtroom (Room 414-D)
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18-4296	Briefs	CRIMINAL: Whether the district court erred by denying Appellant's motion to suppress witnesses' identification testimony; other issues.
US v. Demarcus Ivey (Cogburn)		
Associations: 18-4297		
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21-1713	Briefs	CIVIL: Whether district court properly determined accrual date of plaintiff's Takings Clause claims.
Epcn Homestead, LLC v. Town of Chapel Hill (Tilley)		
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22-1041	Briefs	TRADEMARK: Whether the district court properly granted Appellees summary judgment on Appellants' 15 U.S.C. section 1071(b) claim.
Interprofession du Gruyere v. U.S. Dairy Export (Ellis)		
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20-2279	Briefs	IMMIGRATION: Whether Petitioners exhausted their challenge to corroboration ruling; whether proposed particular social group -- single women unwilling to make extortion payments to gangs -- is cognizable.
Maria Gonzalez-Lemus v. Merrick Garland		

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Friday, December 9, 2022

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21-4307	Briefs	CRIMINAL: Whether district court should have granted motion to suppress based on officer's failure to preserve evidence by activating body camera.
US v. Jose Aguirre-Cuenca (Whitney)		
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22-1103	Briefs	CIVIL: Whether district court erred finding supplemental EIS was not required based on changed circumstances related to proposed toll bridge; related issues.
No Mid-Currituck Bridge v. North Carolina (Flanagan)		
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21-2308	Briefs	CIVIL: Whether Plaintiff plausibly alleged that City disclosed his personal information in violation of the Driver's Privacy Protection Act; other issues.
Johnathan Hensley v. City of Charlotte (Bell)		
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21-4605	Briefs	CRIMINAL: Whether district court erred in applying the safety-valve statute, 18 U.S.C. section 3553(f), and sentencing defendant below the otherwise applicable statutory mandatory minimum.
US v. Cassity Jones (Cogburn)		

PANEL II
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20-4433 [Briefs](#)
US v. Quintin Davis
(Lewis)

CRIMINAL: Whether court erred by failing to instruct on lesser-included offense; other issues.

19-4178 [Briefs](#)
US v. George Fowler
(Cain)

SENTENCING: Whether district court plainly erred in calculating defendant's criminal history score and adequately addressed defendant's nonfrivolous arguments for downward departure or variance.

19-4725 [Briefs](#)
US v. Jason Dix
(Childs)

SENTENCING: Whether district court erred in applying USSG section 2K2.1(b)(6)(B) enhancement based on defendant's possession of firearm while failing to stop for police; other issues.

22-1119 [Briefs](#)
Career Counseling, Inc. v. Amerifactors
(Childs)

CLASS ACTION: Challenge to denial of class certification; cross-appeal challenge to grant of summary judgment.

Associations: 22-1136

PANEL III
Blue Courtroom (Room 339)
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21-4559 [Briefs](#) CRIMINAL: Whether admission, in criminal proceeding, of defendant's response to probation regarding his
US v. Eugene Linville possession of child pornography on supervised release violated Fifth Amendment right against self-
(Osteen) incrimination.

21-2207 [Briefs](#) ERISA: Whether Plaintiff stated claims for relief under 29 U.S.C. section 1132(a)(1)(B), (a)(3); other issues.
Jody Rose v. PSA Airlines, Inc.
(Mullen)

21-4654 [Briefs](#) SENTENCING: Whether district court committed procedural error or violated Defendant's right to due process
US v. Joel Covington at sentencing; related issues.
(Boyle)

20-1910 [Briefs](#) CIVIL: Whether statute of limitations period was permanently tolled upon filing of motion to proceed in
Andrew Allen v. Atlas Box and Crating Co., Inc. forma pauperis.
(Flanagan)

PANEL IV
Gold Courtroom (Room 348)
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