

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
Richmond, VA (1/25/2021 - 1/29/2021 Session)  
Monday, January 25, 2021

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20-0003 [Briefs](#)  
Gary Terry v. Bryan Stirling  
( Gergel )

POSTCONVICTION: Was habeas corpus relief from state capital conviction and sentence properly denied without an evidentiary hearing.

Monday, January 25, 2021, Panel II, 9:30 a.m.

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
Richmond, VA (1/25/2021 - 1/29/2021 Session)

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19-4528 [Briefs](#)  
US v. William Soloff  
( Dever )

CRIMINAL: Whether district court must expressly accept plea agreement for appellate waiver in agreement to be enforceable.

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19-2285 [Briefs](#)  
Reddy Annappareddy v. Catherine Pascale  
( Anderson )

CIVIL RIGHTS: Cross-appeals from district court's denial of absolute immunity to prosecutor and dismissal of plaintiff's Bivens claims.

Associations: 19-2337, 19-2344, 19-2351, 19-2352, 19-2369, 19-2370

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20-0004 [Briefs](#)  
James Bryant, III v. Michael Stephan  
( Hendricks )

POSTCONVICTION: Appeal from grant of habeas relief in capital case.

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19-2203 [Briefs](#)  
Jane Doe v. Fairfax County School Board  
( O'Grady )

CIVIL RIGHTS: Multiple issues arising from denial of motion for new trial following jury verdict for School Board in Title IX action; standard of review.

Monday, January 25, 2021, Panel IV, 2:00 p.m.

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20-2167 [Briefs](#)  
League of Women Voters of SC v. Marci  
( Gergel )

CIVIL: Appeal from district court's preliminary injunction enjoining county election boards from utilizing signature-matching procedures for absentee ballots.

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19-1972 [Briefs](#)  
Camille Sedar v. Reston Town Center Property  
( Hilton )

CIVIL: Whether the district court correctly granted Defendants' motion for summary judgment on negligence claims related to slip and fall under Virginia law; related issues.

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19-4912 [Briefs](#)  
US v. Tremayne Drakeford  
( Cogburn )

CRIMINAL: Whether stop-and-frisk was supported by reasonable suspicion; whether discovery of drugs fell within scope of plain feel doctrine.

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20-1971 [Briefs](#)  
Mountain Valley Pipeline, LLC v. NC DEQ

MOUNTAIN VALLEY PIPELINE: Review of North Carolina Department of Environmental Quality's denial of certifications under Section 401(a)(1) of the Clean Water Act for Southgate Project.

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20-4035 [Briefs](#)  
US v. Howard Davis  
( Dever )

CRIMINAL: Whether officer's warrantless search of defendant's backpack was permissible search incident to arrest; other issues.

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20-1119 [Briefs](#)  
Anas Elhady v. Charles Kable, IV  
( Trenga )  
Associations: 20-1311

CONSTITUTIONAL LAW: Whether placement in government's Terrorist Screening Database implicates a protected liberty interest under the Due Process Clause; other issues.

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19-7199	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether enforcement of VDOC's grooming policy violated First Amendment and RLUIPA; whether injunctive relief claim is moot; whether Defendants entitled to qualified immunity; other issues.
Eric DePaola v. Harold Clarke ( Jones )		
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20-1062	<a href="#">Briefs</a>	CONTRACT: Cross-appeals from district court's rulings declining to compel arbitration, invalidating choice-of-law provision as violative of public policy, and denying tribal sovereign immunity.
George Hengle v. Sherry Treppa ( Novak )		
Associations: 20-1063, 20-1358, 20-1359		
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19-4740	<a href="#">Briefs</a>	CRIMINAL: Challenge to underlying removal order under 8 U.S.C. section 1326(d) as fundamentally unfair based on lack of access to counsel.
US v. Saul Guzman ( Moon )		

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19-7650 [Briefs](#)  
US v. Guy Spruhan  
( Urbanski )

SENTENCING: Whether U.S. Sentencing Guidelines Manual section 1B1.10 conflicts with 28 U.S.C. section 991; whether application of USSG section 1B1.10 violates the Equal Protection Clause.

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19-2419 [Briefs](#)  
Glen Allen v. Heidi Beirich  
( Blake )

TORT: Appeal from dismissal of attorney's tort claims against nonprofit organization as barred by First Amendment; application of Bartnicki v. Vopper, 532 U.S. 514 (2001); other issues.

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20-4091 [Briefs](#)  
US v. Timothy Cloud  
( Cogburn )

CRIMINAL: Whether defendant was seized without reasonable, articulable suspicion in violation of the Fourth Amendment.

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19-2482 [Briefs](#)  
Tammy Skidmore v. Norfolk Southern  
( Johnston )

PREEMPTION: Challenge to district court's ruling that state law property claims were preempted by the Interstate Commerce Commission Termination Act.

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19-4823 [Briefs](#)  
US v. Michael Young  
( Seymour )

CRIMINAL: Whether district court erred in finding South Carolina possession with intent to distribute was not a serious drug offense under 18 U.S.C. section 924(e).

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19-1780 [Briefs](#)  
Michael Wirtes v. City of Newport News  
( Leonard )

EMPLOYMENT: Whether the magistrate judge erred in granting summary judgment without first addressing the essential functions of Wirtes' position; other issues.

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19-2467 [Briefs](#)  
Victor Jimenez-Rodriguez v. William Barr

IMMIGRATION: IJ's authority to adjudicate U-visa applicant's application for waiver of inadmissibility under 8 U.S.C. section 1182(d)(3)(A) (2018).

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20-1093 [Briefs](#)  
Priscilla Everette-Oates v. Lolita Chapman  
( Flanagan )

CIVIL: Whether there was a genuine dispute of material fact concerning a conspiracy to conceal and fabricate evidence; related issues.

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19-2177	<a href="#">Briefs</a>	SOCIAL SECURITY: Whether ALJ must address claimant's ability to stay on task when claimant demonstrates only mild impairments in concentration, persistence, and pace; other issues. 15-min case.
Juanita Britt v. Andrew Saul ( Flanagan )		
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19-2433	<a href="#">Briefs</a>	ARBITRATION: Whether arbitrator's award exhibited manifest disregard for law or failed to draw its essence from the parties' contract.
David Balch v. Oracle Corporation ( Chasanow )		
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20-4075	<a href="#">Briefs</a>	SENTENCING: Whether criminal history point properly assessed under USSG section 4A1.2(f) for North Carolina prayer for judgment continued. 15-minute case.
US v. Jontavis Miller ( Conrad )		

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20-1743	<a href="#">Briefs</a>	CIVIL: Whether district court erred by granting Amazon's motion for a preliminary injunction requiring defendants to place over twenty million dollars into escrow.
Amazon.com, Inc. v. WDC Holdings LLC ( O'Grady )		
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20-1016	<a href="#">Briefs</a>	JURISDICTION: Whether district court erred by denying French State's motion to dismiss for lack of jurisdiction under Foreign Sovereign Immunities Act; other issues.
France.com, Inc. v. The French Republic ( O'Grady )		
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20-1100	<a href="#">Briefs</a>	LABOR: Whether the district court erred by determining that appellant was not an employee for purposes of the North Carolina Wage and Hour Act.
Gregory Armento v. Asheville Buncombe ( Reidinger )		

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19-1685 [Briefs](#)  
Amy Bryant v. Jim Woodall  
( Osteen )

JURISDICTION: Whether district court erred by finding that medical providers had standing to challenge constitutionality of state statute restricting access to abortions after twenty weeks.

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20-4087 [Briefs](#)  
US v. Jason Buzzard  
( Goodwin )

CRIMINAL: Whether the court correctly found officer's inquiry during traffic stop related to officer safety and, alternatively, did not unlawfully prolong the stop; other issues.

Associations: 20-4221, 20-4228

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19-4898 [Briefs](#)  
US v. Jamar Alston  
( Tilley )

SENTENCING: Whether the district court erred in applying the cross-reference to attempted first-degree murder pursuant to U.S. Sentencing Guidelines Manual sections 2A2.1(a), 2K2.1(c). 15-minute case.

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19-4832 [Briefs](#)  
US v. Joseph Ziegler  
( Faber )

CRIMINAL: Propriety of allowing pro se representation without first evaluating defendant's competency to waive right to counsel; sufficiency of the evidence supporting jury's guilty verdicts.

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19-6721	<a href="#">Briefs</a>	SENTENCING: Whether district court has discretion to deny relief on First Step Act motion of defendant whose sentence now exceeds new statutory maximum; other issues.
US v. Chuck Collington ( Harwell )		
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19-2233	<a href="#">Briefs</a>	CLASS ACTION: Whether district court erred in dismissing antitrust suit brought by municipality against pharmaceutical manufacturer.
Mayor and City Council v. Actelion ( Russell )		
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19-2316	<a href="#">Briefs</a>	TRADEMARK: Whether party may challenge a Trademark Trial and Appeal Board decision in district court after appealing previous TTAB decision in same proceeding to the Federal Circuit.
Snyder's-Lance, Inc. v. Frito-Lay North ( Bell )		

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20-6972 [Briefs](#) POSTCONVICTION: Whether Mathis satisfies Wheeler retroactivity test in challenge to use of South Carolina burglary and  
John Ham, Jr. v. Warden M. Breckon ABHAN convictions as ACCA predicates.  
( Conrad )

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19-2452 [Briefs](#) CIVIL RIGHTS: Propriety of dismissal of due process, equal protection, and Title IX selective-enforcement claims arising  
Malcolm Sheppard v. Visitors of VSU out of college disciplinary proceeding.  
( Hudson )

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19-1674 [Briefs](#) TRADEMARK: Whether district court erred in finding, after a bench trial, that confusion would result if defendant's mark  
Combe Incorporated v. Dr. August Wolff were registered.  
( Ellis )

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20-1094	<a href="#">Briefs</a>	CONSTITUTIONAL LAW: Challenge to Maryland state statute prohibiting the broadcast of recordings of state criminal trial court proceedings as violative of the First Amendment.
Brandon Soderberg v. Audrey Carrion ( Bennett )		
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19-4703	<a href="#">Briefs</a>	SENTENCING: Whether Hobbs Act robbery is a crime of violence under USSG section 4B1.2(a).
US v. Richard Green ( Chuang )		
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19-2383	<a href="#">Briefs</a>	SOCIAL SECURITY: Propriety of ALJ's conclusion that Appellant's scoliosis did not meet or medically equal a listed impairment. 15-minute case.
Laura Halperin v. Andrew Saul ( Biggs )		
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19-1719	<a href="#">Briefs</a>	CIVIL: Whether challenge to noncompliance with Fed. R. Civ. P. 65(d) may be forfeited or waived.
Cynthia Scott v. Harold Clarke		

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15-4433 [Briefs](#) CRIMINAL: Instructions on Hobbs Act robbery and Hobbs Act conspiracy under 18 U.S.C. section 924(c); sequestration of  
US v. Hassan Ali  
( Eagles )  
cooperating codefendant witnesses.

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19-2157 [Briefs](#) CONSTITUTIONAL LAW: Whether district court erred in ruling school principal was entitled to qualified immunity on  
Hannah Robertson v. Anderson Mill  
( Cain )  
student's First Amendment free speech claim.

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19-2145 Raymond Benitez v. Charlotte-Mecklenburg ( Conrad )	<a href="#">Briefs</a>	CIVIL: Whether district court erred by determining that hospital authority was immune from antitrust damages liability under the Local Government Antitrust Act.
19-4755 US v. Faruq Rose ( Dever )	<a href="#">Briefs</a>	CRIMINAL: Whether district court erred in denying motion to suppress arising out of search of packages at a FedEx facility; other issues.
20-7009 US v. Ryan Kibble ( Faber )	<a href="#">Briefs</a>	POSTCONVICTION: Whether, after finding compelling and extraordinary reasons, district court abused its discretion in finding 18 U.S.C. section 3553(a) factors did not warrant compassionate release.
19-4801 US v. Tekoa Glover ( Cain )	<a href="#">Briefs</a>	CRIMINAL: Whether district court violated Sixth Amendment by failing to appoint replacement counsel at plea withdrawal hearing.

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20-4028	<a href="#">Briefs</a>	CRIMINAL: Whether district court erred in imposing upward variance, denying pretrial motions for recusal and to sever counts for different schemes, and evidentiary rulings.
US v. Merrill Robertson, Jr. ( Gibney )		
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19-6560	<a href="#">Briefs</a>	POSTCONVICTION: Whether district court erred in denying 28 U.S.C. section 2255 motion alleging ineffective assistance of counsel in connection with plea decision and restitution sum.
US v. David Mayhew ( Boyle )		
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19-4469	<a href="#">Briefs</a>	CRIMINAL: Whether district court erred in finding South Carolina drug convictions as controlled substance offenses under U.S. Sentencing Guidelines Manual section 2K2.1(a)(2) (2018).
US v. Christopher Scott ( Harwell )		
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19-4796	<a href="#">Briefs</a>	SENTENCING: Whether conviction under S.C. Code Ann. section 44-53-375(b), which provides that possession is prima facie evidence of violation, constitutes a "controlled substance offense" under Guidelines.
US v. Bryan Williams		

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19-2094 [Briefs](#)  
Janet Perdue v. Sanofi-Aventis U.S., LLC  
( Reidinger )

EMPLOYMENT: Whether former employer violated the Americans with Disabilities Act by failing to provide a reasonable accommodation and discharging plaintiff.

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20-1049 [Briefs](#)  
Old Republic National Title v. Shulman,  
( Chuang )

TORT: Whether district court erred by granting summary judgment for appellees on appellant's claims of legal malpractice; application of equitable subrogation.

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