

; v

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.

PANEL II
Judge Wilkinson, Judge Keenan, Judge Diaz

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Monday, January 25, 2021

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.

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

PANEL III

Chief Judge Gregory, Judge Motz, Judge Harris

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Monday, January 25, 2021

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

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

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.

PANEL IV
Judge Niemeyer, Judge Wynn, Judge Thacker

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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.

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.

PANEL V

Judge King, Judge Floyd, Judge Quattlebaum

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

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Tuesday, January 26, 2021

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.

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.

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.

PANEL I

Chief Judge Gregory, Judge Wynn, Judge Thacker

Tuesday, January 26, 2021, Panel I, 9:30 a.m.

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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.

PANEL II
Judge Wilkson, Judge Richardson, Judge Quattlebaum

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20-1062 [Briefs](#)
George Hengle v. Sherry Treppa
(Novak)

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.

Associations: 20-1063, 20-1358, 20-1359

19-4740 [Briefs](#)
US v. Saul Guzman
(Moon)

CRIMINAL: Challenge to underlying removal order under 8 U.S.C. section 1326(d) as fundamentally unfair based on lack of access to counsel.

PANEL III

Judge Niemeyer, Judge King, Judge Rushing

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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.

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.

PANEL IV

Judge Motz, Judge Agee, Judge Keenan

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Wednesday, January 27, 2021

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

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

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.

PANEL I

Judge Wilkinson, Judge Agee, Judge Diaz

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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).

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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Chief Judge Gregory, Judge Wynn, Judge Harris

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19-2177 [Briefs](#)
Juanita Britt v. Andrew Saul
(Flanagan)

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.

19-2433 [Briefs](#)
David Balch v. Oracle Corporation
(Chasanow)

ARBITRATION: Whether arbitrator's award exhibited manifest disregard for law or failed to draw its essence from the parties' contract.

20-4075 [Briefs](#)
US v. Jontavis Miller
(Conrad)

SENTENCING: Whether criminal history point properly assessed under USSG section 4A1.2(f) for North Carolina prayer for judgment continued. 15-minute case.

PANEL III

Judge King, Judge Keenan, Judge Richardson

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

PANEL IV

Judge Motz, Judge Floyd, Judge Rushing

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20-4087 [Briefs](#)
US v. Jason Buzzard
(Goodwin)
Associations: 20-4221, 20-4228

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.

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.

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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Judge Motz, Judge Diaz, and Judge Richardson

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19-6721 [Briefs](#)
US v. Chuck Collington
(Harwell)

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.

19-2316 [Briefs](#)
Snyder's-Lance, Inc. v. Frito-Lay North
(Bell)

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.

PANEL II
Judge Niemeyer, Judge Wynn, and Judge Floyd

Thursday, January 28, 2021, Panel II, 9:30 a.m.

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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)

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)

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)

PANEL III
Judge Agee, Judge Thacker, and Judge Quattlebaum

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20-1094	Briefs	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	Briefs	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	Briefs	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	Briefs	CIVIL: Whether challenge to noncompliance with Fed. R. Civ. P. 65(d) may be forfeited or waived.
Cynthia Scott v. Harold Clarke		

PANEL IV

Judge King, Judge Harris, and Judge Rushing

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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.

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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Judge Wilkinson, Judge Niemeyer, and Judge Thacker

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19-2145 [Briefs](#) CIVIL: Whether district court erred by determining that hospital authority was immune from antitrust damages liability
Raymond Benitez v. Charlotte-Mecklenburg under the Local Government Antitrust Act.
(Conrad)

19-4755 [Briefs](#) CRIMINAL: Whether district court erred in denying motion to suppress arising out of search of packages at a FedEx
US v. Faruq Rose facility; other issues.
(Dever)

20-7009 [Briefs](#) POSTCONVICTION: Whether, after finding compelling and extraordinary reasons, district court abused its discretion in
US v. Ryan Kibble finding 18 U.S.C. section 3553(a) factors did not warrant compassionate release.
(Faber)

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Chief Judge Gregory, Judge Keenan and Judge Quattlebaum

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20-4028 [Briefs](#)
US v. Merrill Robertson, Jr.
(Gibney)

CRIMINAL: Whether district court erred in imposing upward variance, denying pretrial motions for recusal and to sever counts for different schemes, and evidentiary rulings.

19-6560 [Briefs](#)
US v. David Mayhew
(Boyle)

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.

19-4796 [Briefs](#)
US v. Bryan Williams

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.

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Judge Diaz, Judge Floyd and Judge Harris

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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.

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.

PANEL IV
Judge Agee, Judge Richardson, and Judge Rushing

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