

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
FOR THE FOURTH CIRCUIT  
Richmond, VA (10/23/2020 - 11/2/2020 Session)  
Friday, October 23, 2020

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19-1847 [Briefs](#)  
Flexi-Van Leasing, Inc. v. The Travelers  
( Norton )

INSURANCE: Whether conflict of law issue can be resolved via judicial admission; whether conflict of interest existed between insured and attorney paid for by insurer.

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19-1678 [Briefs](#)  
Humane Society of the US v. US Fish and  
( O'Grady )

CIVIL: Whether United States Fish and Wildlife Service must proactively post certain documents under eFOIA; other issues.

PANEL I  
Judge Thacker, Judge Quattlebaum, and Judge Gallagher\*  
9:30 a.m.

Friday, October 23, 2020

[LISTEN](#)

Hon. Stephanie A. Gallagher, United States District Judge, District of Maryland

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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Richmond, VA (10/23/2020 - 11/2/2020 Session)  
Monday, October 26, 2020

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18-2183 [Briefs](#)  
Belmora LLC v. Bayer Consumer Care AG  
( Hilton )  
Associations: 18-2232

TRADEMARK: Cross-appeals from order dismissing Lanham Act claims as barred by statute of limitations, upholding Trademark Trial and Appeal Board's cancellation of trademark; other issues.

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19-2069 [Briefs](#)  
William Lins v. US  
( Hollander )

TORT: Whether the FTCA's discretionary function exception bars Lins' claims. Other issues.

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19-2042 [Briefs](#)  
Liubov Skibo v. Greer Laboratories, Inc.  
( Bell )

CIVIL: Whether district court erred by granting summary judgment to defendant on action under False Claims Act for lack of evidence of required scienter.

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19-2085 [Briefs](#)  
Sandra Peters v. Aetna Incorporated  
( Reidinger )

ERISA: Multiple issues arising from district court's grant of summary judgment to defendants on plaintiff's ERISA claims and denial of her motion for class certification.

PANEL I  
Judge Agee, Judge Floyd, and Judge Thacker  
9:30 a.m.

Monday, October 26, 2020

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-1962 [Briefs](#) ADMINISTRATIVE LAW: Whether Appellant is eligible for Superfund reimbursement without preauthorization  
August Mack Environmental Inc. v. EPA when preauthorization form allegedly violated Paperwork Reduction Act, 44 U.S.C. sections 3501-21; other  
( Kleeh ) issues.

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19-2075 [Briefs](#) CIVIL: Whether district court erred by applying federal law to state wrongful termination claim; other issues.  
William Carmack v. Commonwealth of Virginia  
( Urbanski )

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19-6523 [Briefs](#) CONSTITUTIONAL LAW: Whether restrictions placed on inmate who refused to cut dreadlocks amounted to  
Randy Burke v. Harold Clarke substantial burden on inmate's Rastafarian religious practice.  
( Sargent )

PANEL II  
Judge King, Judge Diaz, and Judge Gallagher\*  
9:30 a.m.

Monday, October 26, 2020

[LISTEN](#)

Hon. Stephanie A. Gallagher, United States District Judge, District of Maryland

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-1989 [Briefs](#) SOCIAL SECURITY: Whether Social Security Administration's benefit redetermination procedures violated due  
Gary Kirk v. Commissioner of SSA process and the APA.  
( Coggins )  
Associations: 19-2028

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19-1782 [Briefs](#) CLASS ACTION: Whether tort claims were preempted by Interstate Commerce Clause Termination Act of 1995;  
Jimmy Edwards v. CSX Transportation, Inc. other issues.  
( Boyle )

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19-7176 [Briefs](#) POSTCONVICTION: Whether Young failed to satisfy the second prong of the Wheeler test for challenging his  
William Young v. B. Antonelli federal sentence in a section 2241 petition.  
( Currie )

PANEL III  
Judge Wynn, Judge Harris, and Judge Quattlebaum  
2:00 p.m.

Monday, October 26, 2020

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-2064 [Briefs](#)  
Christopher Doyle v. Lawrence Hogan, Jr.  
( Chasanow )

CONSTITUTIONAL LAW: Appeal from dismissal of psychotherapist's complaint challenging constitutionality of Maryland statute banning "conversion therapy" for minors as violative of First Amendment; standing issues.

PANEL IV  
Judge Niemeyer, Judge Motz, and Judge Richardson  
2:00 p.m.

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-1755 [Briefs](#)  
Shean Emmons v. City of Chesapeake  
( Leonard )

LABOR: Propriety of district court's conclusion that Battalion Chiefs' primary duty is not emergency response under the first responder regulations of the Fair Labor Standards Act.

PANEL I  
Judge Wilkinson, Judge Motz and Judge Agee  
9:30 a.m.

Tuesday, October 27, 2020

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-1746 [Briefs](#)  
JTH Tax, Incorporated v. Gregory Aime  
( Morgan )  
Associations: 19-1792

CONTRACT: Cross-appeals from district court's rulings on remand related to damages.

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19-1959 [Briefs](#)  
Solomon Nuru v. William Barr

IMMIGRATION: Propriety of agency's interpretation of 8 C.F.R. sections 208.14(C), 208.24 (2020) in holding Petitioner was no longer a derivative of mother's later-filed asylum application.

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19-1964 [Briefs](#)  
Jeffery Mays v. Ronald Sprinkle  
( Conrad )

CIVIL RIGHTS: Whether, after Kingsley v. Hendrickson, 575 U.S. 959 (2015), a pretrial detainee's claim of deliberate indifference to a serious medical need is evaluated by objective reasonableness standard.

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19-2390 [Briefs](#)  
Fleet Feet, Inc. v. Nike, Inc.  
( Eagles )

TRADEMARK: Whether district court erred by granting preliminary injunction based on "reverse confusion" theory of trademark infringement; issues of mootness.

PANEL II  
Chief Judge Gregory, Judge Diaz and Judge Richardson  
9:30 a.m.

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-1059 [Briefs](#)  
Phillip Alig v. Quicken Loans Inc.  
( Bailey )

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.

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19-2102 [Briefs](#)  
Clayland Farm Enterprises, LLC v. Talbot  
( Russell )

CONSTITUTIONAL LAW: Appeal from district court's grant of summary judgment to defendants on regulatory takings and substantive due process claims.

PANEL III  
Judge Niemeyer, Judge Wynn and Judge Floyd  
2:00 p.m.

Tuesday, October 27, 2020

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-1957 [Briefs](#)  
Poly-Med, Inc. v. Novus Scientific Pte. Ltd.  
( Childs )

CONTRACT: Whether South Carolina would recognize the continuous breach/continuous accrual theory in applying the statute of limitations to contract breach claims.

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19-1930 [Briefs](#)  
Edier Rodriguez Bedoya v. William Barr

IMMIGRATION: Whether petitioner established past persecution based on written death threats.

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20-1160 [Briefs](#)  
HIAS, Inc. v. Donald Trump  
( Messitte )

CIVIL: Challenge to district court's order enjoining the implementation of an Executive Order regarding the Refugee Act.

PANEL IV  
Judge King, Judge Keenan and Judge Harris  
2:00 p.m.

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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18-6916 [Briefs](#)  
Charles Vandross v. Bryan Stirling  
( Gergel )

POSTCONVICTION: Whether the district court's conclusion as to the state court's rejection of ineffective assistance claim is debatable or wrong.

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19-1793 [Briefs](#)  
Lawrence Mann v. US  
( Chuang )

TAX: Appeal from district court's determination that taxpayers were not entitled to charitable contribution deduction for donation of house to nonprofit organization.

PANEL I  
9:30 a.m.

Wednesday, October 28, 2020

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-4277 [Briefs](#)  
US v. Stephen McGrath  
( Grimm )

CRIMINAL: Whether valid appeal waiver bars review of claim that due process rights were violated by district court using religious language in sentencing.

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19-1910 [Briefs](#)  
John Doe 4 v. Shenandoah Valley Juvenile  
( Dillon )

CIVIL RIGHTS: Propriety of grant of summary judgment to juvenile detention center on claims by immigrant child detainee of inadequate mental health care; standing issue.

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19-1871 [Briefs](#)  
Michael Tinsley v. City of Charlotte  
( Mullen )

EMPLOYMENT: Whether the district court erroneously denied Defendant's motion for a directed verdict and abused its discretion in awarding equitable relief.

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19-1350 [Briefs](#)  
Loren Varner v. Michael Roane  
( Dillon )

CIVIL RIGHTS: Whether district court properly concluded that police-citizen encounter was consensual and that officers did not manufacture probable cause for search.

PANEL II  
9:30 a.m.

Wednesday, October 28, 2020

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-2041 [Briefs](#)  
Saul Benjamin v. Nicholas Sparks  
( Dever )

CIVIL: Multiple issues arising from judgment for defense following jury trial on contract and defamation claims and grant of summary judgment on employment discrimination claims.

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19-6774 [Briefs](#)  
Jason Krembel v. US  
( Flanagan )

TORT: In action under the Federal Tort Claims Act, whether Bureau of Prisons owed duty to ensure that inmate received necessary medical treatment for terminal illness.

PANEL III  
2:00 p.m.

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-1777 [Briefs](#) CIVIL: Multiple issues arising out of bench trial on breach of contract and fraudulent inducement claims.  
J. Beatley v. Charles Ayers, Jr.  
( Gibney )  
Associations: 19-1809

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19-4491 [Briefs](#) CRIMINAL: Whether the verdict form and instructions were confusing to the jury; other issues.  
US v. Kevin Seigler  
( Jones )

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19-1953 [Briefs](#) CONSTITUTIONAL LAW: Whether district court erred by dismissing claims that application of Virginia Sex  
Offender Registry Act violated Ex Post Facto and Due Process Clauses.  
Hester Prynne v. Gary Settle  
( Hilton )

PANEL I  
9:30 a.m.

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19-1862 [Briefs](#)  
Juan Ayala v. US  
( Ellis )

JURISDICTION : Whether district court erred by dismissing plaintiff's claims against DHS arising out of his detention and removal as barred by FTCA's discretionary function exception.

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19-6871 [Briefs](#)  
Devion Gentry v. A. Robinson  
( O'Grady )

CIVIL RIGHTS: Whether district court correctly granted Defendants summary judgment on Plaintiff's claims arising out of enforcement of prison grooming policy over religious objection.

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19-4077 [Briefs](#)  
US v. Richard Haas  
( Payne )

SENTENCING: Whether district court erroneously applied U.S. Sentencing Guidelines Manual sections 2G2.1(b)(1)(A), 4B1.5(b) for offense involving minor and absent covered-sex-crime-derived Guidelines range; other issues.

PANEL II  
9:30 a.m.

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19-2115 [Briefs](#) IMMIGRATION: Whether substantial evidence supports the finding that Petitioner was not persecuted on  
Anita Argueta Diaz De Gomez v. William Barr account of her family; related issues.

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19-7027 [Briefs](#) CIVIL RIGHTS: Whether Defendants' refusal to allow deaf civil detainee access to videophone violates the  
Thomas Heyer v. US Bureau of Prisons First Amendment.  
( Dever )

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18-6067 [Briefs](#) POSTCONVICTION: Whether counsel rendered ineffective assistance by failing to assert a double jeopardy  
US v. Israel Palacios defense to conviction under 18 U.S.C. section 924(c), which is an element of 18 U.S.C. section 924(j).  
( Chasanow )

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19-1771 [Briefs](#) EMPLOYMENT: Whether district court erred in granting summary judgment on ADA claim based on disabled  
Shelia Holmes v. General Dynamics Mission employee's inability to comply with her employer's safety policies.  
( Jones )

PANEL III  
2:00 p.m.

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-4137 [Briefs](#)  
US v. Allen Loughry, II  
( Copenhaver )

CRIMINAL: Whether district court erred by denying evidentiary hearing based on alleged juror misconduct arising from juror's Twitter usage during criminal trial against former judge.

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19-1292 [Briefs](#)  
Michael Bracey v. Lancaster Foods LLC  
( Bennett )

ARBITRATION: Whether the district court erred in granting defendant's motion to compel arbitration and denying plaintiff's motion for reconsideration; other issues.

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19-1636 [Briefs](#)  
Claude Knight v. Boehringer Ingelheim  
( Chambers )

CIVIL: Multiple issues arising from jury verdict finding pharmaceutical company liable for fraud and awarding punitive damages.

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19-1731 [Briefs](#)  
Claudio De Simone v. Alfasigma USA, Inc.  
( Chuang )

Associations: 19-1761, 19-1762

CIVIL: Appeal from denial of post-judgment motions challenging 15 million dollar jury verdict on plaintiff's claims of false advertising under Lanham Act.

PANEL IV  
2:00 p.m.

Thursday, October 29, 2020

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-4318 [Briefs](#)  
US v. Logan McCauley  
( Ellis )

CRIMINAL: Whether motion for judgment of acquittal was proper in trial for production of child pornography.  
Other issues.

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19-4596 [Briefs](#)  
US v. Ronald Collins  
( Berger )

CRIMINAL: Whether the court properly rejected Collins' constitutional challenges to 18 U.S.C. section 922(g)(4);  
whether sufficient evidence supported Collins' conviction following Rehaif v. United States, 139 S. Ct. 2191  
(2019).

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19-4489 [Briefs](#)  
US v. Dennis Rice  
( Reidinger )

SENTENCING: Whether North Carolina felony assault inflicting physical injury by strangulation is a crime of  
violence under the Sentencing Guidelines.

PANEL I  
9:30 a.m.

Friday, October 30, 2020

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-4159 [Briefs](#)  
US v. Robert Ellis  
( Reidinger )

SENTENCING: Whether imposing an Internet ban as a supervised release condition for sex offenders constitutes substantive sentencing error; other issues.

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19-4618 [Briefs](#)  
US v. Rayco Bethea  
( Anderson )

CRIMINAL: Whether district court erred in failing to apply provisions of First Step Act in reimposing judgment on habeas motion to allow direct appeal.

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19-4104 [Briefs](#)  
US v. Precias Freeman  
( Cain )

CRIMINAL: Whether Freeman's sentence is substantively reasonable; whether counsel provided ineffective assistance at sentencing.

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19-4406 [Briefs](#)  
US v. Christian Allmendinger  
( Payne )

SENTENCING: Whether, at resentencing, the district court properly considered the defendant's postsentencing rehabilitation evidence; other issues.

PANEL II  
9:30 a.m.

Friday, October 30, 2020

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-4310 [Briefs](#)  
US v. Michael Lester  
( Hendricks )

SENTENCING: Whether the district court erred in applying a Guidelines enhancement and failing to address defendant's sentencing arguments; whether the sentence is substantively reasonable.

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19-4403 [Briefs](#)  
US v. Andres Ayon-Brito  
( Trenga )

CRIMINAL: Whether Eastern District of Virginia was appropriate venue for illegal reentry prosecution where indictment charged Defendant was found in Pennsylvania.

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19-4732 [Briefs](#)  
US v. Justin Wilson  
( Chambers )

CRIMINAL: Sufficiency of evidence supporting finding that Wilson intended to cause death or serious bodily harm for carjacking conviction, where Wilson knew gun was not loaded.

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19-4273 [Briefs](#)  
US v. Craig Pulley  
( Davis )

CRIMINAL: Whether district court properly determined that false information and material omissions were not recklessly included in search warrant applications.

PANEL III  
2:00 p.m.

Friday, October 30, 2020

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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19-2250 [Briefs](#)  
Tanner Hirschfeld v. ATF  
( Conrad )

CONSTITUTIONAL LAW: Appeal from district court's dismissal of appellants' constitutional challenge to restrictions in 18 U.S.C. section 922 on the sale of handguns to persons under 21.

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19-4713 [Briefs](#)  
US v. Jose Ramos Cabrera

SENTENCING: Whether USSG section 2D1.1(b)(1) firearm enhancement is sustainable where evidence shows the only gun was present during drug offense separate from underlying conviction; other issues.

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18-4875 [Briefs](#)  
US v. Antonio Simmons  
( Davis )

CRIMINAL: Whether RICO conspiracy with murder as special sentencing factor was crime of violence under 18 U.S.C. section 924(c); other issues on cross-appeal.

Associations: 18-4876, 18-4877, 19-4269, 19-4287, 19-4345

PANEL IV  
Blue Courtroom (Room 339)  
2:00 p.m.

Friday, October 30, 2020

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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Richmond, VA (10/23/2020 - 11/2/2020 Session)  
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19-4158 [Briefs](#)  
US v. Frank Purpera, Jr.  
( Dillon )  
CRIMINAL: Whether the Government's investigation of defendant's attorney for witness tampering created a conflict of interest warranting reversal of defendant's convictions; other issues.

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19-4149 [Briefs](#)  
US v. Michael Young, Jr.  
( Childs )  
Associations: 19-4222  
CRIMINAL: Whether the definition of "an explosive," as contained in 18 U.S.C. section 1716(a), encompasses a "bomb" that the FBI designed to not explode; other issues.

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19-4381 [Briefs](#)  
US v. Christopher Singletary  
( Dever )  
CRIMINAL: Whether the district court adequately explained its reasons for imposing special conditions of supervised release; other issues.

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19-1015 [Briefs](#)  
Darrell Connor v. Covil Corporation  
( Biggs )  
CIVIL: Whether Plaintiff was frequently, regularly, and proximately exposed to asbestos attributable to Defendant.

PANEL I  
9:30 a.m.

Monday, November 2, 2020

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