

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Wednesday, September 18, 2019

19-1410 [Briefs](#)
Richard Roe v. DOD
(Brinkema)

INJUNCTION: Challenge to preliminary injunction prohibiting discharge of active-duty members of the Air Force on grounds that they are ineligible for deployment to Central Command due to HIV-positive status.

18-1112 [Briefs](#)
Angela Lawrence v. Andrew Saul
(Eagles)

SOCIAL SECURITY: Whether there is an apparent conflict between Lawrence's residual functional capacity and the Vocational Expert's testimony; applicability of harmless error review.

17-4760 [Briefs](#)
US v. Aaron Richardson
(Boyle)

CRIMINAL: Whether district court's personal feelings about dog fighting warranted recusal; procedural and substantive reasonableness of sentences.

Associations: 17-4770, 17-4761, 18-4023, 18-4024

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

Wednesday, September 18, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Wednesday, September 18, 2019

18-6289 [Briefs](#)
Marion Sherrod v. Sid Harkleroad
(Conrad)
CIVIL RIGHTS: Whether, on remand, this court's mandate limited district court to proceed as to only one defendant; deliberate indifference to inmate's seizure disorder.

18-2034 [Briefs](#)
United Supreme Council, 33 Deg v. United
(O'Grady)
CIVIL: Whether Plaintiff has standing; related issues.

18-1678 [Briefs](#)
Citi Trends, Inc. v. Coach, Incorporated
(Bennett)
CIVIL: Whether the district court erred in awarding attorneys fees to the Appellee as a prevailing party after the court dismissed the declaratory judgment action without prejudice; related issues.

18-1979 [Briefs](#)
Suzette Archie v. Nagle & Zaller, P.C.
(Hazel)
CIVIL: Whether de minimis overstatement of amount of a debt is actionable under the Fair Debt Collection Practices Act; other issues.

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

Wednesday, September 18, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Wednesday, September 18, 2019

18-4450 [Briefs](#) SENTENCING: Whether district court adequately considered defendant's arguments and explained sentence.
US v. Apolonio Torres-Reyes
(Howard)

18-1877 [Briefs](#) IMMIGRATION: Whether modified categorical approach was properly applied to Virginia statute; other issues.
Hassan Bah v. William Barr
Associations: 18-2106

18-2514 [Briefs](#) IMMIGRATION: Whether stop-time rule for cancellation of removal may render inadmissible an already-admitted
Yonis Del Cid Argueta v. William Barr
lawful permanent resident not seeking admission to the United States.

19-1614 [Briefs](#) INJUNCTION: Challenge to preliminary injunction against enforcement of final HHS rule under Title X of Public
Mayor and City Council v. Alex Azar, II
(Bennett)
Health Service Act.

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

Wednesday, September 18, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Wednesday, September 18, 2019

18-6843 [Briefs](#) CRIMINAL: Whether prior conviction for retaliation against witness, 18 U.S.C. section 1513(a)(1), constitutes
US v. Jimmy Allred violent felony under force clause of Armed Career Criminal Act.
(Osteen)

18-2409 [Briefs](#) CONSTITUTIONAL LAW: Government appeal from grant of preliminary injunction to Medicare provider based on
Accident, Injury and Rehab v. Alex Azar, II procedural due process claims arising from delay in obtaining ALJ hearing.
(Coggins)

18-2441 [Briefs](#) IMMIGRATION: Whether district court lacked subject matter jurisdiction over challenge to denial of I-130
Curtis Moore v. Denise Frazier petition; whether Adam Walsh Act applies retroactively.
(Flanagan)

18-1657 [Briefs](#) CONTRACT: Whether the district court correctly concluded that the workers' compensation exclusion in insurance
United Financial Casualty Co. v. Greg Ball policy applied to Appellant's claim; related issues.
(Chambers)

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

Wednesday, September 18, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Wednesday, September 18, 2019

18-6615	Briefs	CIVIL RIGHTS: Whether district court properly granted summary judgment for defendants on inmates claims that denial of showers and exercise violated Eighth and Fourteenth Amendment rights.
Denís Rivera v. Randall Mathena (Jones)		
<hr/>		
18-4440	Briefs	CRIMINAL: Whether warrantless search of North Carolina postrelease supervisees residence violated Fourth Amendment; application of Chevron/Skidmore deference.
US v. Javion Scott (Howard)		
<hr/>		
18-2010	Briefs	EMPLOYMENT: Whether district court erred by granting summary judgment to employer on plaintiff's hostile work environment, retaliation, and state respondeat superior assault and battery claims.
Carla Clehm v. BAE Systems Ordinance (Urbanski)		
<hr/>		
18-1974	Briefs	CIVIL RIGHTS: Appeal from summary judgment denial of qualified immunity to police officer on plaintiff's claims of excessive force.
Julian Betton v. David Belue (Quattlebaum)		

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

Wednesday, September 18, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Thursday, September 19, 2019

16-4441 [Briefs](#)
US v. Jesmene Lockhart
(Conrad)

REHEARING EN BANC

18-1330 [Briefs](#)
Felipe Perez v. Lee Cissna
(Conrad)

REHEARING EN BANC

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

Thursday, September 19, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Friday, September 20, 2019

18-0004 [Briefs](#) HABEAS: Whether petitioner was entitled to habeas relief on capital murder conviction based on ineffective
Richard Moore v. Brian Stirling assistance of counsel.
(Lewis)

18-2133 [Briefs](#) CIVIL RIGHTS: Whether Medicaid Act authorizes a private right of action under section 1983 to challenge exclusion
Planned Parenthood v. Joshua Baker of provider from state Medicaid program; other issues.
(Lewis)

18-4445 [Briefs](#) CRIMINAL: Whether district court sufficiently addressed Defendant's sentencing arguments before imposing
US v. Lewis Hines above-Guidelines-range sentence.
(Boyle)

16-4304 [Briefs](#) CRIMINAL: Whether Defendant was denied right to testify; whether court erred by proceeding with trial in
US v. Shahid Muslim Defendant's absence; other issues.
(Conrad)

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

Friday, September 20, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Friday, September 20, 2019

14-6124 [Briefs](#) HABEAS: Whether Falso may raise his challenge to a recidivist sentencing enhancement in a section 2241 motion under *United States v. Wheeler*, 886 F.3d 415 (4th Cir. 2018).
David Falso v. Eric Wilson
(Gibney)

17-2045 [Briefs](#) CIVIL: Whether a litigant may pursue a qui tam action without the assistance of counsel.
Joseph Wojcicki v. SCANA Corporation
(Childs)

18-2098 [Briefs](#) CIVIL RIGHTS: Cross-appeals from denial of qualified immunity to officers on false arrest claims and dismissal of unreasonable-search and governmental-interference-with-family claims.
Marianne Iacopelli v. Robert Bilyard
(Duffy)
Associations: 18-2099, 18-2101, 18-2102, 18-2103

18-4609 [Briefs](#) CRIMINAL: Whether equitable tolling or the district court's noncompliance with Fed. R. Crim. P. 32(j)(1)(B) excuses Marsh's untimely notice of appeal.
US v. Kirk Marsh
(Trenga)

PANEL II
Butzner Courtroom 201
8:30 a.m.

Friday, September 20, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Friday, September 20, 2019

18-4671 [Briefs](#) CRIMINAL: Whether district court erred in denying motion to suppress evidence seized from residence pursuant to search warrant.
US v. Gary Jones
(Groh)

18-4414 [Briefs](#) CRIMINAL: Whether Government satisfied interstate commerce nexus for Hobbs Act robbery; whether use of wires was reasonably foreseeable; other issues.
US v. Marcus Taylor
(Blake)
Associations: 18-4453

18-4383 [Briefs](#) CRIMINAL: Whether district court should have granted motion to suppress evidence.
US v. Darryl Seay
(Jackson)

PANEL III
Blue Courtroom (Room 339)
8:30 a.m.

Friday, September 20, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Friday, September 20, 2019

18-2100 [Briefs](#)
Keith Ward v. AutoZoners, LLC
(Flanagan)
Associations: 18-2170

EMPLOYMENT: Cross-appeals from summary judgment for employer on constructive discharge claim and jury verdict for plaintiff on remaining claims; evidentiary issues; jury instructions; damages.

17-7072 [Briefs](#)
Don Wilborn v. Andrew Mansukhani
(Norton)
Associations: 17-7097

HABEAS: Prisoner's standing to challenge BOP program statements; whether challenge is cognizable under 28 U.S.C. section 2241; whether program statements are unconstitutionally vague.

18-4663 [Briefs](#)
US v. Anthony Helton
(Groh)

CRIMINAL: Whether conviction of voyeurism under South Carolina law is a sex offense requiring registration under the Sex Offender Registration and Notification Act.

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

Friday, September 20, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Friday, September 20, 2019

18-4524 [Briefs](#)
US v. Jurother Alston, Jr.
(Tilley)

CRIMINAL: Whether the court erred in denying motion to suppress.

17-4030 [Briefs](#)
US v. Eric Mejia-Ramos
(Titus)

CRIMINAL: Challenges to various evidentiary rulings in RICO conspiracy trial; Brady challenge.

Associations: 17-4060

18-4545 [Briefs](#)
US v. William Springer
(Berger)

SENTENCING: Whether district court erred in applying two-level enhancement for possession of a weapon.

18-4718 [Briefs](#)
US v. Ruslans Bondars
(O'Grady)

CRIMINAL: Challenges to jury instructions and sufficiency of evidence involving global cybercrime charges; other issues.

PANEL V
Tweed Courtroom (Room 414-D)
8:30 a.m.

Friday, September 20, 2019