

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
FOR THE FOURTH CIRCUIT  
Richmond, VA (12/8/2015 - 12/10/2015 Session)

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15-1110 [Briefs](#) CIVIL: Propriety of summary judgment grant in 42 U.S.C. section 1983 (2012) action concerning probation violation  
Stanley Jones v. Lanna Chandrasuwan arrest.  
( Osteen )

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14-2192 [Briefs](#) CIVIL: Propriety of district court's valuation of lien under Va. Code Ann. section 54.1-3932 for attorney's fees and  
In re: Outsidewall Tire costs.  
( Ellis )

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15-1041 [Briefs](#) LONGSHORE: Whether the ALJ correctly found the "zone of danger" doctrine inapplicable, whether substantial  
Ceres Marine Terminals, Inc. v. DOWCP evidence supports award of benefits based on PTSD.

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

Tuesday, December 08, 2015

REVD 11/17/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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Richmond, VA (12/8/2015 - 12/10/2015 Session)

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14-7746 [Briefs](#)  
James Raynor v. G. Pugh  
( Brinkema )

CIVIL RIGHTS: Whether material issues of fact existed on inmate's Eighth Amendment claim alleging failure to protect.

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14-2380 [Briefs](#)  
Wilerms Oxygene v. Loretta Lynch  
Associations: 15-1099

IMMIGRATION: Whether to defer to In re J-E-, 23 I. & N. Dec. 291 (BIA 2002); jurisdiction to review denial of motion to reopen.

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15-1138 [Briefs](#)  
Adebowale Ojo v. Loretta Lynch

IMMIGRATION: Whether Board's decision to reject judgment of adoption given retroactive effect was reasonable.

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14-4724 [Briefs](#)  
US v. Joaquin Vicencio  
( Conrad )  
Associations: 14-4746

CRIMINAL: Whether, under 21 U.S.C. section 841(b)(6), government had to prove defendants' awareness of federal jurisdiction over land; other issues.

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

Tuesday, December 08, 2015

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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15-1031 [Briefs](#) IDEA: Whether retrospective evidence not available at time IEP was created may be considered in determining whether placement provides a FAPE; other issues.  
S.T. v. Howard County Public School Sy  
( Motz )

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15-6970 [Briefs](#) CRIMINAL: Whether district court has jurisdiction to consider motion to expunge a criminal record on equitable grounds.  
US v. Brenda Ware  
( Stamp )

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15-1455 [Briefs](#) CONSTITUTIONAL LAW: Challenge to constitutionality of certain provisions of federal campaign finance law; other issues.  
Stop R.E.I.D. v. Federal Election Commission  
( Trenga )

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15-6067 [Briefs](#) CRIMINAL: Whether the applicant has shown good cause sufficient to rebut the presumption of untimeliness under the IPA or otherwise shown manifest injustice.  
US v. Shane Cowley  
( Copenhaver )

PANEL III  
Tan Courtroom (Room 223)  
9:30 a.m.

Tuesday, December 08, 2015

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14-2391 [Briefs](#)  
Jonatan Pornomo v. US  
( Spencer )

CIVIL: Whether district court erred in dismissing for lack of subject matter jurisdiction based on discretionary function exception to Federal Tort Claims Act.

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14-2415 [Briefs](#)  
Deltak, Inc. v. Department of Labor

EMPLOYMENT: Whether substantial evidence supports Administrative Review Board's finding that employee's termination violated whistle-blower protection of Sarbanes-Oxley Act.

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15-7021 [Briefs](#)  
US v. Samuel Parris  
( Reidinger )

CRIMINAL: Did the district court err in determining that the defendant is ineligible for a sentence reduction based on Amendment 782 to the Sentencing Guidelines.

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15-4265 [Briefs](#)  
US v. Under Seal  
( Lee )

CRIMINAL: Whether a juvenile may be prosecuted as an adult under 18 U.S.C. section 1959(a)(1) after Miller v. Alabama, 132 S. Ct. 2455 (2012)

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

Tuesday, December 08, 2015

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15-1278      [Briefs](#)      ANTITRUST: Whether the district court erred in granting summary judgment in favor of defendant on Sherman  
It's My Party, Inc. v. Live Nation, Inc.  
( Motz )      and Clayton Act claims; other issues.

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14-2378      [Briefs](#)      CIVIL: Whether a bankruptcy court order authorizing sale of property constitutes a judgment on the merits for  
Providence Hall Associates v. Wells Fargo  
( O'Grady )      purposes of res judicata in a later civil suit.

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14-1991      [Briefs](#)      CIVIL: Whether district court correctly determined that it lacked personal jurisdiction over Cypriot entity; other  
Alan Grayson v. Randolph Anderson  
( Norton )      issues.  
Associations:    14-1997

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

Tuesday, December 08, 2015

REVD 11/5/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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15-1478	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether district court erred in denying injunction and dismissing complaint challenging constitutionality of Va. Code section 24.2-509(B).
24th Senatorial District v. James Alcorn ( Dillon )		
Associations: 15-1483		
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15-1055	<a href="#">Briefs</a>	EMPLOYMENT DISCRIMINATION: Whether discrimination claim was timely; whether summary judgment was proper on hostile work environment and retaliation claims.
Monica Guessous v. Fairview Property ( Lee )		
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15-1385	<a href="#">Briefs</a>	ARBITRATION: Whether district court or arbitrator is authorized to decide whether an agreement permits class arbitration.
Del Webb Communities, Inc. v. Roger ( Blatt )		
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15-4312	<a href="#">Briefs</a>	CRIMINAL: Can alien being prosecuted for illegal reentry establish prejudice based on defects in prior expedited removal proceedings.
US v. Agustin Lopez-Collazo ( Hollander )		

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

Wednesday, December 09, 2015

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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15-1170 [Briefs](#) CONSUMER LAW: Whether district court erred in enforcing tribal arbitration agreement regarding "payday" loan  
James Hayes v. Delbert Services Corporation dispute.  
( Gibney )  
Associations: 15-1217

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15-1316 [Briefs](#) BANKRUPTCY: Priority of administrative expenses awarded for legal expenses prior to Bankruptcy  
James B. Angell v. Stubbs & Perdue, P.A. Technical Corrections Act of 2010, as against certain secured tax liens.  
( Fox )

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14-1682 [Briefs](#) INSURANCE: Interpretation of insurance policy language regarding coverage period for losses sustained from  
EMCOR Group, Incorporated v. Great employee dishonesty; other issues.  
( Motz )

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14-2358 [Briefs](#) CIVIL: Whether owner and religious organization lessee stated substantial burden claim under RLUIPA for denial  
Andon, LLC v. The City of Newport News, VA of zoning variance; other issues.  
( Doumar )

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

Wednesday, December 09, 2015

REVD 11/17/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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13-7107 [Briefs](#) POST-CONVICTION: Whether waiver of collateral attack rights in plea agreement bars actual innocence claim  
US v. Richard Adams under United States v. Simmons, 649 F.3d 237 (4th Cir. 2011).  
( Dever )

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14-2256 [Briefs](#) CONTRACT LAW: Whether district court erred in granting judgment as a matter of law; other issues.  
Knox Energy, LLC v. Gasco Drilling, Inc  
( Jones )  
Associations: 14-2296

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14-2120 [Briefs](#) JURISDICTION: Whether the district court properly dismissed complaint based on alleged obligations under  
Perdue Foods LLC v. BRF S.A. worldwide coexistence agreement for lack of personal jurisdiction.  
( Bredar )

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15-1328 [Briefs](#) CONTRACT: Whether district court erred in finding that Participation Agreement is unambiguous; other issues.  
Bank of Commerce v. Maryland Financial  
( Hollander )

PANEL III  
Tan Courtroom (Room 223)  
9:30 a.m.

Wednesday, December 09, 2015

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14-2419	<a href="#">Briefs</a>	CIVIL RIGHTS: Propriety of summary judgment based on lack of jurisdiction to review Fourth Amendment claim by officer deployed overseas; qualified immunity.
Frederick Aikens v. William Ingram, Jr. ( Boyle )		
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14-7082	<a href="#">Briefs</a>	HABEAS: Whether counsel was ineffective in failing to raise due process argument and challenge to sufficiency of evidence of intent.
Clifton Collins v. Harold Clarke ( Gibney )		
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14-4871	<a href="#">Briefs</a>	CRIMINAL: Government's use of McNeal's post-arrest statement, sufficiency of evidence, and Fourth Amendment and evidentiary issues.
US v. James McNeal ( Ellis )		
Associations: 14-4872		
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14-2055	<a href="#">Briefs</a>	TORT: Propriety of summary judgment in negligence and product liability action against manufacturers and installers of asbestos-containing products in shipyards.
Lisa Covington v. MCIC, Incorporated ( Russell )		

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

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14-2324 [Briefs](#) BLACK LUNG: Whether ALJ's exclusion of two negative CT scans constitutes reversible error; whether substantial evidence supports ALJ's conclusion that miner suffered from pneumoconiosis.  
Sea "B" Mining Company v. Shirley Addison

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15-1187 [Briefs](#) FAIR DEBT COLLECTION PRACTICES ACT: Whether entity that purchases a consumer debt after default and attempts to collect on the defaulted debt is a "debt collector."  
Ricky Henson v. Santander Consumer USA,  
( Bennett )

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15-6003 [Briefs](#) CIVIL: Whether 18 U.S.C. section 4246 (2012) limits danger posed to only United States citizens and/or their property.  
US v. Pablo Ramirez-Alaniz  
( Britt )

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15-1166 [Briefs](#) CIVIL: Whether dual purpose oil and gas lease was severable into separate leases; other issues.  
K & D Holdings, LLC v. Equitrans, L.P.  
( Bailey )

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

Wednesday, December 09, 2015

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14-4441 [Briefs](#)  
US v. Humberto Rojas-Diaz  
( Boyle )

CRIMINAL: Whether sufficient evidence supports defendant's conspiracy and substantive money laundering convictions; accuracy and sufficiency of jury instructions; other issues.

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14-7245 [Briefs](#)  
US v. Nicholas Ragin  
( Conrad )

POST-CONVICTION: Whether counsel rendered ineffective assistance when he fell asleep during portions of appellant's trial.

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

Thursday, December 10, 2015

REVD 11/5/15

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14-1910 [Briefs](#)  
Randall Brickey v. Robb Hall  
( Conrad )

CIVIL: Whether in retaliatory discharge action it was clearly established that plaintiff's interest in free speech outweighed employer's interests.

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

Thursday, December 10, 2015

REVD 12/4/15

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14-4645 [Briefs](#)  
US v. Wendy Moore  
( Gergel )

CRIMINAL: Whether district court's jury instructions constructively amended superseding indictment; admission of hearsay and character evidence.

Associations: 14-4646

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14-4167 [Briefs](#)  
US v. Charles Thomson  
( Bredar )

CRIMINAL: Whether evidence was sufficient to support knowledge element of drug conspiracy conviction; propriety of willful blindness instruction; other issues.

PANEL III  
Tan Courtroom (Room 223)  
8:30 a.m.

Thursday, December 10, 2015

REVD 12/4/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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14-2283 [Briefs](#) CONSTITUTIONAL LAW: Whether Virginia's certificate-of-need program imposes a substantial burden on  
Colon Health Centers v. Bill Hazel interstate commerce in medical imaging devices.  
( Hilton )

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14-4934 [Briefs](#) SENTENCING: Whether district court erred in determining defendant's Tier under USSG section 2A3.5(a).  
US v. Brian Berry  
( Flanagan )

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14-4736 [Briefs](#) CRIMINAL: Whether the district court erred in finding scope and duration of traffic stop reasonable and denying  
US v. Michael Palmer motion to suppress; other issues.  
( Doumar )

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

Thursday, December 10, 2015

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14-2382 [Briefs](#)  
Judith Gentry v. East West Partners Club  
( Cogburn )

EMPLOYMENT: Proper standard of proof for disability discrimination claim; accuracy of jury instructions; compensatory damages evidence.

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14-4786 [Briefs](#)  
US v. Kevin Bellinger  
( Keeley )

CRIMINAL: Whether imperfect self defense is valid defense to 18 U.S.C. section 1111 offenses; other issues.

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

Thursday, December 10, 2015

REVD 12/9/15