

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
FOR THE FOURTH CIRCUIT  
Richmond, VA (12/09/2014 - 12/11/2014 Session)

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14-4025	<a href="#">Briefs</a>	CRIMINAL: Whether appellate jurisdiction exists over speedy trial and due process claims; propriety of forcible medication order.
US v. Frank Chatmon ( Hilton )		
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13-2530	<a href="#">Briefs</a>	CIVIL: Whether district court erred in granting summary judgment in age discrimination case.
Ralph Arthur v. Pet Dairy ( Moon )		
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13-2348	<a href="#">Briefs</a>	CIVIL: Whether the district court properly exercised jurisdiction and correctly construed a partnership agreement; other issues.
Lee Graham Shopping Center v. Estate of ( O'Grady )		
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13-2393	<a href="#">Briefs</a>	BANKRUPTCY: Standing; whether phone numbers and web addresses are property of the estate; other issues.
Alexandria Consulting Group v. Alexandria ( O'Grady )		

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

Tuesday, December 09, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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13-2312 [Briefs](#) CIVIL RIGHTS: Whether the district court erred in granting Board of Education's motion for unitary status; other issues.  
Ronda Everett v. Pitt County Board  
( Howard )

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13-7040 [Briefs](#) HABEAS: Whether counsel was ineffective for not filing a notice of appeal.  
Jerome Gordon v. Daniel Braxton  
( O'Grady )

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13-2488 [Briefs](#) TITLE VII: Whether district court erred in granting motion to dismiss discrimination claims.  
Dawnn McCleary-Evans v. Maryland  
( Blake )

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14-1081 [Briefs](#) SECTION 1983: Whether police officers were terminated in violation of First Amendment for reporting alleged misconduct  
within Department.  
Kenneth Hunter v. Town of Mocksville  
( Eagles )

Associations: 14-1125

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

Tuesday, December 09, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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13-4216	<a href="#">Briefs</a>	CRIMINAL LAW: Whether district court erred in denying motion to dismiss indictment for failure to register under SORNA, propriety of life term of supervised release.
US v. Antwain Price ( Anderson )		
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13-2367	<a href="#">Briefs</a>	INSURANCE: Whether denial of claim erroneous because of waiver, estoppel, bad faith, or other reason.
Nancy Wactor v. Jackson National Life Ins Co ( Cain )		
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13-2345	<a href="#">Briefs</a>	CIVIL: Whether the district court erred in dismissing action on grounds that public disclosure bar of the False Claims Act precluded subject matter jurisdiction.
US ex rel Karen T. Wilson v. Graham County ( Reidinger )		
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13-2496	<a href="#">Briefs</a>	IMMIGRATION: Whether substantial evidence supports the finding that alien did not qualify for asylum and related relief.
Qitian Ni v. Eric Holder, Jr.		

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

Tuesday, December 09, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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13-4764 [Briefs](#)  
US v. Under Seal  
( Conrad )

CRIMINAL: Whether district court erred by requiring defendant to prove her advice-of-counsel defense to criminal contempt charge.

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13-7333 [Briefs](#)  
Gregory Christian v. David Ballard  
( Chambers )

HABEAS: Whether trial counsel was ineffective for misadvising defendant regarding applicability of recidivist enhancement in connection with defendant's guilty plea.

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

Tuesday, December 09, 2014

REVD 11/26/14

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
FOR THE FOURTH CIRCUIT  
Richmond, VA (12/09/2014 - 12/11/2014 Session)

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13-2212 [Briefs](#) CIVIL: Whether district court correctly determined plaintiff was not "disabled" and could not state retaliation claim under  
Christina Jacobs v. NC Admin Office Americans with Disabilities Act; other issues.  
( Boyle )

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13-2491 [Briefs](#) CIVIL: Propriety of dismissal of complaint based on immunity under Maryland law for failure to properly plead malice.  
Jeremy Marks v. Thomas Dann  
( Chasanow )

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

Tuesday, December 09, 2014

REVD 12/8/14

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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13-7914 [Briefs](#) HABEAS: Whether Lee's counsel was ineffective in failing to request jury instruction defining heat of passion during Lee's murder trial.  
Mark Lee v. Harold Clarke  
( Hudson )

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14-1329 [Briefs](#) CONSTITUTIONAL LAW: Whether plaintiffs stated a claim for relief on one-person, one-vote grounds; other issues.  
Calla Wright v. State of North Carolina  
( Boyle )

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13-2234 [Briefs](#) CIVIL: Whether district court violated party presentation principle in applying "gist of action" doctrine; other issues.  
Dan Ryan Builders, Inc v. Crystal Ridge  
( Keeley )

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

Wednesday, December 10, 2014

REVD 11/21/14

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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14-6793	<a href="#">Briefs</a>	RLUIPA: Whether the Department of Corrections violated plaintiff's rights under the Act by refusing to recognize religious group; other issues.
Infinite Allah v. Commonwealth of Virginia ( Jones )		
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13-2537	<a href="#">Briefs</a>	TORT: Challenge to holding that Board of Education and school administrator did not negligently fail to protect child; other issues.
John Doe v. Bd. of Edu of PG County ( Williams )		
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14-1191	<a href="#">Briefs</a>	LANHAM ACT: Whether personnel expenses of Patent and Trademark Office come within statutory meaning of expenses that shall be paid.
Milo Shammass v. Margaret Focarino ( Ellis )		
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14-1206	<a href="#">Briefs</a>	ADMIRALTY/MARITIME: Did the district court err in holding case nonjusticiable based on political question doctrine; other issues.
Wu Tien Li-Shou v. US ( Motz )		

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

Wednesday, December 10, 2014

Rev'd 10/8/14

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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13-4982	<a href="#">Briefs</a>	SENTENCING: Whether district court erred in not compelling the Government to move for a one-level reduction under USSG section 3E1.1(b).
US v. Sheik Pearson ( Blake )		
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13-4215	<a href="#">Briefs</a>	CRIMINAL: Challenge to obstruction of justice and firearm sentencing enhancements; propriety of upward departure; trial issues.
US v. Kendall Blue ( Dever )		
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13-2499	<a href="#">Briefs</a>	CLEAN WATER ACT: Whether the record contains substantial evidence of a significant nexus between subject wetlands and traditionally navigable waters.
Precon Development Corporation v. US Army ( Smith )		

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

Wednesday, December 10, 2014

REVD 11/21/14

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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13-7445      [Briefs](#)      HABEAS: Whether counsel was ineffective by failing to request an instruction regarding drug weight, and by failing to make sentencing objections.  
US v. Abel Rangel  
( Hilton )

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14-1034      [Briefs](#)      IMMIGRATION: Whether the filing deadline set forth in 8 U.S.C. section 1255(i)(1)(B)(i) (2012) is subject to equitable tolling.  
Kamleshwar Prasad v. Eric Holder, Jr.

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14-1027      [Briefs](#)      CIVIL RIGHTS: Whether defendants were entitled to qualified or public official immunity; issues regarding wrongful death damage award.  
Andrew Kane v. Brian Lewis  
( Motz )

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

Wednesday, December 10, 2014

Rev'd 10/8/14

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13-2399 [Briefs](#)                      SARBANES-OXLEY ACT: Issues regarding statute of limitations, exhaustion, and damages awarded by jury.  
Andrea Jones v. Southpeak Interactive Corp.  
( Payne )  
Associations: 14-1765

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13-1975 [Briefs](#)                      TORT: Whether state law claims were preempted by Federal Railroad Safety Act; punitive damages; other issues.  
Charles Harris v. Norfolk Southern Railway Co  
( Goodwin )  
Associations: 13-2026

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13-2370 [Briefs](#)                      SECURITIES FRAUD: Whether district court properly took judicial notice of matters in SEC filings or correctly determined  
Roman Zak v. Chelsea Therapeutics Int                      scienter insufficiently pleaded.  
( Cogburn )

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14-6468 [Briefs](#)                      EXTRADITION: Whether extradition of petitioner is barred by the statute of limitations or by "political offense" exception.  
Almaz Nezirovic v. Gerald Holt  
( Urbanski )

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

Wednesday, December 10, 2014

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12-4659	<a href="#">Briefs</a>	CRIMINAL: Did the government violate the Fourth Amendment when it obtained historical cell site location information for defendants without a warrant; other issues.
US v. Aaron Graham ( Bennett )		
Associations: 12-4825		
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13-4878	<a href="#">Briefs</a>	CRIMINAL: Whether unconditional guilty plea was knowing and voluntary.
US v. Torrick Rodgers ( Flanagan )		
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13-4696	<a href="#">Briefs</a>	CRIMINAL: Whether district court plainly erred by considering at revocation hearing defendant's need for mental health treatment.
US v. Cynthia Lemon ( Currie )		
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13-4645	<a href="#">Briefs</a>	CRIMINAL: Adequacy of guilty plea procedure conducted primarily through written petition rather than oral colloquy; enforceability of appellate waiver.
US v. Daniel Murraye ( Anderson )		

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

Thursday, December 11, 2014

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14-1016 [Briefs](#) BANKRUPTCY LAW: Whether creditor/debt purchasers violate consumer protection laws by filing proofs of claims without a valid state collection license.  
Christopher Covert v. LVNV Funding, LLC  
( Chasanow )

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13-4577 [Briefs](#) CRIMINAL LAW: Whether jury instruction for marriage fraud, 8 U.S.C. section 1325(c), stated the applicable law.  
US v. Fatih Sonmez  
( Bennett )

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13-2003 [Briefs](#) TRADEMARK INFRINGEMENT: Did district court err in awarding treble damages, attorney fees, and prejudgment interest; other issues.  
Georgia Pacific Consumer Prod. v. Von Drehle  
( Boyle )

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

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REVD 11/4/14

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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13-4739	<a href="#">Briefs</a>	CRIMINAL: Whether district court erred in denying Walker's motion to suppress evidence and post-arrest statements Walker made while intoxicated.
US v. Anthony Walker ( Bredar )		
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14-1450	<a href="#">Briefs</a>	FEDERAL MINE SAFETY AND HEALTH ACT: Whether petitioner is subject to jurisdiction under the Mine Act.
Power Fuels, LLC v. Federal Mine Safety &		
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13-4662	<a href="#">Briefs</a>	CRIMINAL: Whether appellant disputed relevant conduct such that district court properly denied adjustment for acceptance of responsibility; related issues.
US v. Otis Burns ( Eagles )		
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13-4412	<a href="#">Briefs</a>	CRIMINAL: Whether imposition of life term of supervised release following conviction for sex offense was procedurally and substantively reasonable.
US v. Steven Helton ( Berger )		

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

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13-4835 [Briefs](#)

US v. Keith Reed  
( Hilton )

CRIMINAL LAW: Whether the evidence was sufficient to sustain the convictions, related issues.

Associations: 13-4836, 13-4837, 13-4839

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13-4472 [Briefs](#)

US v. Mark Baker  
( Currie )

CRIMINAL: Whether evidence supported defendants' request for multiple conspiracy instruction; other issues.

Associations: 13-4473, 13-4474, 13-4532

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13-2088 [Briefs](#)

Bonnilyn Mascio v. Carolyn Colvin  
( Flanagan )

SOCIAL SECURITY: Whether ALJ properly conducted a function-by-function RFC assessment and gave appropriate weight to claimant's pain testimony, other issues.

PANEL IV  
Tweed Courtroom (Room 414-D)  
8:00 a.m.

Thursday, December 11, 2014

REVD 11/21/14

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13-4635	<a href="#">Briefs</a>	CRIMINAL: Whether same variance sentence for each defendant was procedurally and substantively reasonable.
US v. Xavier Lymas ( Boyle )		
Associations: 13-4636, 13-4650		
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13-4464	<a href="#">Briefs</a>	CRIMINAL: Whether district court accurately calculated drug quantity and adequately explained its sentence; other issues.
US v. Marco Flores-Alvarado ( Boyle )		
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13-4597	<a href="#">Briefs</a>	CRIMINAL: Whether the district court committed blatant error resulting in serious injustice by not suppressing evidence from defendant's arrest, other issues.
US v. Collin Hawkins ( Blake )		
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14-4388	<a href="#">Briefs</a>	CRIMINAL PROCEDURE: During inquiry on forcibly medicating defendant, whether possibility of raising a successful insanity defense mitigates Government's interest in prosecuting.
US v. John Watson, Jr. ( Ellis )		

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

Thursday, December 11, 2014