

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
FOR THE FOURTH CIRCUIT  
Richmond, VA (1/24/2017 - 1/26/2017 Session)

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16-4013	<a href="#">Briefs</a>	CRIMINAL: Whether Newbold's sentence on remand is substantively reasonable given need for medical treatment; other issues.
US v. Joseph Newbold ( Schroeder )		
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15-2499	<a href="#">Briefs</a>	LABOR: Propriety of district court's dismissal of complaint alleging that imposition of trusteeship over local union violated the Labor-Management Reporting and Disclosure Procedure Act; other issues.
Intl Longshore Assoc Local 333 v. Intl ( Blake )		
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15-2484	<a href="#">Briefs</a>	IMMIGRATION: Whether petitioner was properly deemed removable as an aggravated felon based on his Virginia conviction for statutory burglary.
Daniel Castendet-Lewis v. Loretta Lynch		
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15-6364	<a href="#">Briefs</a>	HABEAS: Whether petition is untimely; whether claim is procedurally defaulted; whether this court may address claims merits; other issues.
Corey Woodfolk v. Gary Maynard ( Motz )		

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

Tuesday, January 24, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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16-1346 [Briefs](#)  
LVNV Funding, LLC v. Derrick Harling  
( Lewis )  
Associations: 16-1347

BANKRUPTCY: Whether bankruptcy plan may reserve debtor's right to object to claims following confirmation of plan.

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15-2529 [Briefs](#)  
Robert Roland v. USCIS  
( Cogburn )

IMMIGRATION: Whether the district court properly dismissed plaintiff's APA action challenging USCIS' denial of petition for alien relative.

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15-2469 [Briefs](#)  
Mia Mason v. Machine Zone, Inc.  
( Bredar )

CIVIL: Whether Appellant stated a claim under Maryland's gambling loss recovery statute.

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15-2473 [Briefs](#)  
Stacy Lewis v. Carolyn Colvin  
( Gallagher )

SOCIAL SECURITY: Whether substantial evidence supports the ALJ's assessment of Lewis' credibility; other issues.

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

Tuesday, January 24, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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15-4720 [Briefs](#) CRIMINAL: Whether district court abused its discretion by allowing admission of prior convictions under Fed. R. Evid. 404(b).  
US v. Harold Hall, Jr.  
( Anderson )

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15-2554 [Briefs](#) BANKRUPTCY: Multiple issues: validity of and liability on a prior judgment, imposition of sanctions; effect of the dismissal of bankruptcy case.  
Barbara Agnew v. United Leasing  
( Allen )  
Associations: 16-1134

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16-1152 [Briefs](#) ERISA: Whether Pension Plan abused its discretion in denying request for early retirement benefits; related issues.  
Garry Carroll v. Continental Automotive  
( Mullen )

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15-1770 [Briefs](#) IMMIGRATION: Whether the Board abused its discretion in denying petitioner's motion to reopen; other issues.  
Miguel Vasquez Macias v. Loretta Lynch  
Associations: 16-1003

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

Tuesday, January 24, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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16-1438 [Briefs](#) IMMIGRATION: Whether alien retained asylum status after adjusting to lawful permanent resident and could not  
Riaz Mahmood v. Loretta Lynch be removed without termination of asylum.

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16-1321 [Briefs](#) CONSTITUTIONAL LAW: Whether district court erred in rejecting constitutional challenges to ordinances  
Maages Auditorium v. Prince George's regulating adult entertainment establishments; other issues.  
( Chasanow )  
Associations: 16-1699

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16-4615 [Briefs](#) CRIMINAL: Whether district court abused its discretion by imposing special condition of supervision requiring  
US v. Charles Douglas defendant to submit to sex offender evaluation.  
( Moon )

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15-2299 [Briefs](#) INSURANCE: Whether district court erred in finding coverage under joint venture endorsement to insurance  
Westchester Surplus Lines v. Clancy policy; other issues.  
( Britt )  
Associations: 15-2373

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

Tuesday, January 24, 2017

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16-1979	<a href="#">Briefs</a>	CIVIL: Whether, under the Hague Convention, it was clear error to find Appellant consented to her child's removal from Mexico; related issues.
Xochitl Velasco Padilla v. Joe Troxell ( Kiser )		
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16-1103	<a href="#">Briefs</a>	ERISA/LABOR: Whether district court properly interpreted contracts as required by recent Supreme Court precedent, M&G Polymers USA, LLC v. Tackett, regarding retiree healthcare benefits; class action.
Ronald Barton v. Constellium Rolled ( Goodwin )		
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15-4212	<a href="#">Briefs</a>	CRIMINAL: Whether the district court correctly denied defendants' motion to suppress evidence seized during traffic stop; other issues.
US v. Darren Hill ( Reidinger ) Associations: 15-4223		
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16-1163	<a href="#">Briefs</a>	IMMIGRATION: Whether alien's due process rights were violated during removal proceeding.
Antonio Robleo-Morales v. Loretta Lynch		

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

Tuesday, January 24, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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16-1293	<a href="#">Briefs</a>	ERISA: Appeal from district court's determination that a prudent fiduciary would have divested the Nabisco Funds at the time and in the manner that RJR did.
Richard Tatum v. RJR Pension Investment ( Tilley )		
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16-1004	<a href="#">Briefs</a>	CIVIL: Whether district court erred in awarding judgment in favor of Middle East Broadcasting Networks, Inc. on breach of contract action.
Middle East Broadcasting v. MBI Global, LLC ( Lee )		
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16-1154	<a href="#">Briefs</a>	TAX: Whether Tax Court erred in refusing to allow challenge to penalty; collateral estoppel; validity of regulations.
Christopher James v. Commissioner of I.R.S.		
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15-2522	<a href="#">Briefs</a>	CIVIL: Whether district court correctly granted summary judgment on plaintiff's Title VII retaliation and sexual harassment claims; other issues.
Abigail Wilson v. Gaston County, NC ( Mullen )		

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

Wednesday, January 25, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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16-0011 [Briefs](#)  
Marcus Robinson v. Edward Thomas  
( Dever )  
Associations: 16-0012  
HABEAS: Whether district court properly dismissed petitioners' double jeopardy challenge to resentencing proceedings that would expose them to the death penalty.

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15-4039 [Briefs](#)  
US v. Master Giddins  
( Quarles )  
CRIMINAL: Whether defendant's statements were properly admitted, whether federal bank robbery and Maryland first degree assault are crimes of violence for career offender enhancement.

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15-2579 [Briefs](#)  
Phillip J. Singer v. Kenneth Reali  
( Fox )  
Associations: 16-1019  
SECURITIES EXCHANGE ACT: Whether complaint adequately pled violation of Section 10(b) of the Act, alleged strong inference of scienter, and pled element of loss causation; other issues.

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16-1179 [Briefs](#)  
Andrew Chartier v. M. Richard Epps P.C.  
( Motz )  
CIVIL: Whether material issues of fact existed regarding claims of breach of contract and violation of Fair Debt Collection Practices Act and Fair Credit Reporting Act; other issues.

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

Wednesday, January 25, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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15-4675 [Briefs](#)  
US v. Torry Markey McArthur  
( Fox )

SENTENCING: Whether the revocation sentence, which was an upward variance to the statutory maximum, is plainly procedurally or substantively unreasonable.

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15-4639 [Briefs](#)  
US v. Donald Hill  
( Payne )

CRIMINAL: Whether officers impermissibly expanded scope and duration of traffic stop; other issues.

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15-2547 [Briefs](#)  
Columbia Gas Transmission v. Lambert  
( Motz )

EMINENT DOMAIN: Whether district court exceeded its subject matter jurisdiction or violated separation of powers doctrine; challenges to jury instructions and sufficiency of evidence; other issues.

Associations: 15-2569, 16-1017

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16-4070 [Briefs](#)  
US v. Sandra White  
( Grimm )

CRIMINAL: Whether district court erred in denying request for Franks hearing; procedural and substantive reasonableness of sentence.

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

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16-1322 [Briefs](#) CONTRACT: Whether contractor was required to exhaust administrative remedies before filing suit.  
Balfour Beatty Infrastructure v. Mayor and  
( Bennett )

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16-1254 [Briefs](#) CIVIL: Breach of contract; propriety of damages award; other issues.  
Virginia Electric and Power Co v. Bransen  
( Gibney )

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16-1672 [Briefs](#) INTELLECTUAL PROPERTY: Issues regarding choice of law; contract formation; propriety of summary judgment on  
Curtis Evans v. PlusOne Sports, LLC  
( Hilton )  
Associations: 16-1720

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15-1768 [Briefs](#) CIVIL RIGHTS: Propriety of qualified immunity finding regarding probable cause supporting arrest warrant; other  
Marlow Humbert v. Dominick Griffin  
( Quarles )  
Associations: 15-2461

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

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16-7044 [Briefs](#)  
Thomas Porter v. Harold Clarke  
( Brinkema )

CIVIL RIGHTS: Whether district court properly dismissed death row inmates claims of allegedly unconstitutional prison conditions based on mootness doctrine.

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15-1806 [Briefs](#)  
Kimmy McNair v. Johnson & Johnson  
( Copenhaver )

CIVIL: Whether West Virginia permits failure to warn claim against brand name drug manufacturer for harm caused by generic drug.

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16-1164 [Briefs](#)  
N. P. v. Kevin Maxwell  
( Motz )

INDIVIDUALS WITH DISABILITIES EDUCATION ACT: Appeal from summary judgment reversing ALJ's determination that Individualized Education Program was reasonably calculated to provide student with a free, appropriate public education.

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15-2188 [Briefs](#)  
Jatinder Sharma v. USA International, LLC  
( O'Grady )

CIVIL: Whether plaintiffs submitted sufficient evidence of damages due to fraud to survive summary judgment.

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

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16-1410 [Briefs](#)  
Gilbert LLP v. Tire Engineering and Dist  
( Ellis )  
CIVIL: Propriety of district court's valuation of lien under Va. Code Ann. section 54.1 3932 for attorney's fees and costs.

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16-1597 [Briefs](#)  
Bluewave Healthcare v. United States  
( Gergel )  
Associations: 16-1600, 16-1601  
CIVIL: Whether order granting pre-judgment remedies was appealable under collateral order doctrine; whether prejudgment remedies were proper under Federal Debt Collection Procedures Act.

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16-4105 [Briefs](#)  
US v. Jamesthy Graham  
( Harwell )  
CRIMINAL: Whether exigent circumstances justified warrantless search of vehicle; related issues.

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15-7912 [Briefs](#)  
US v. David May  
( Jones )  
CRIMINAL: Whether defendant is ineligible for relief under 18 U.S.C. section 3582(c)(2) because of Rule 11(c)(1)(C) plea; whether section 3582 motion successive.

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

Thursday, January 26, 2017

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13-2190	<a href="#">Briefs</a>	FALSE CLAIMS ACT: Were claims of falsification of firearms qualification and training records for security personnel improperly dismissed; other issues.
United States ex rel. Omar Bad v. Triple ( Lee )		
Associations: 13-2191		
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15-4817	<a href="#">Briefs</a>	SENTENCING: Whether upward variance, selected to counteract Simmons-based reduction in defendant's original sentence, renders supervised release revocation sentence plainly unreasonable.
US v. Terrance J. Williams ( Boyle )		
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16-4313	<a href="#">Briefs</a>	CRIMINAL: Whether Luis v. United States, 136 S. Ct. 1083 (2016), overrules Fourth Circuit precedent allowing pretrial restraint of substitute assets.
US v. William Chamberlain ( Howard )		
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16-4299	<a href="#">Briefs</a>	CRIMINAL: Whether 18 U.S.C. section 249(a)(2) is constitutional exercise of Commerce Clause authority as applied to workplace assault interfering with preparation of goods for interstate shipment.
US v. James Hill, III ( Gibney )		

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

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14-4933 [Briefs](#)  
US v. Sirheyward Powers  
( Lewis )

CRIMINAL: Whether the Government has forfeited its right to assert the untimeliness of Powers' appeal.

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15-7136 [Briefs](#)  
US v. Jeffrey MacDonald  
( Fox )

POST-CONVICTION: Whether the district court erred applying 28 U.S.C. section 2255(h)(1) (2012); related issues.

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15-4573 [Briefs](#)  
US v. Alexsi Lopez  
( Grimm )

CRIMINAL: Issues regarding timeliness of indictment (18 U.S.C. section 3282), preindictment delay, constitutionality of juvenile justice statute, prosecutorial misconduct, evidentiary rulings, and sufficiency of evidence.

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16-4015 [Briefs](#)  
US v. Gerald Swiger  
( Keeley )

CRIMINAL: Whether district court erred in denying motion to suppress evidence.

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

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15-4767 US v. Juan Lara ( Jones )	<a href="#">Briefs</a>	SENTENCING: Whether the district court erred in admitting defendant's statements from mandatory sex offender evaluation and treatment
15-4642 US v. Steve Hale ( Cogburn )	<a href="#">Briefs</a>	CRIMINAL: Whether sufficient evidence of defendant's subjective belief that goods were stolen supported willful blindness instruction; other issues.
15-2346 Wann Robinson v. Jason Worley ( Schroeder )	<a href="#">Briefs</a>	BANKRUPTCY: Whether bankruptcy court erred by finding fraud in debtor's valuation of minority interest in limited liability corporation.
15-2456 Elena Teresa Jones v. Carolyn W. Colvin ( DiGirolamo )	<a href="#">Briefs</a>	SOCIAL SECURITY: Whether claimant met or equaled Listing 1.04; interpretation of SSR 06-3p.

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

Thursday, January 26, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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16-4036	<a href="#">Briefs</a>	CRIMINAL: Whether making a false statement is an "offense against property" for Mandatory Victims Restitution Act; propriety of restitution award; other issues.
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15-4325	<a href="#">Briefs</a>	SENTENCING: Whether prior North Carolina convictions for indecent liberties with a minor trigger enhanced penalties under 18 U.S.C. section 2551(e); other issues.
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16-1726	<a href="#">Briefs</a>	RAILROAD REVITALIZATION AND REGULATORY REFORM ACT: Whether taxation of railroad real property without benefit of state limitations on value afforded certain business taxpayers constitutes discrimination.
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15-4711	<a href="#">Briefs</a>	CRIMINAL: Whether Johnson's revocation sentence runs afoul of <i>Tapia v. United States</i> , 564 U.S. 319 (2011).

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

Thursday, January 26, 2017