

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (01/28/2014 - 01/30/2014 Session)

10-0006 [Briefs](#)
US v. Alejandro Umana
(Conrad)

CRIMINAL: Multiple issues on direct appeal from federal capital convictions and sentence of death.

12-5030 [Briefs](#)
US v. Erasto Gomez-Jimenez

SENTENCING: Whether the district court erred in applying enhancement for use of a minor under U.S. Sentencing Guidelines Manual section 3B1.4; propriety of Guidelines calculation; substantive reasonableness of sentence.

13-4059 [Briefs](#)
US v. Aaron Juarez-Gomez
(Dever)

CRIMINAL: Sufficiency of evidence to support convictions for conspiracy and aiding and abetting; propriety of application of enhancements under USSG sections 3B1.1(c) & 3B1.4.

13-4625 [Briefs](#)
In re: Under Seal
(Hilton)
Associations: 13-4626

CONTEMPT: Whether the district court erred in holding appellant in contempt.

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

Tuesday, January 28, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-1594 [Briefs](#)
Steven Lincoln v. DOWCP

LONGSHORE: Whether ALJ correctly found Employer's initial payment based on 0.5% impairment to be sufficient to avoid liability for attorney's fees under 33 U.S.C. section 928(a).

13-1166 [Briefs](#)
1899 Holdings, LLC v. 1899 Limited Liability
(Blake)

CIVIL: Whether the district court properly dismissed appellants' loan claims as barred by the parol evidence rule; other issues.

13-1687 [Briefs](#)
EEOC v. Propak Logistics, Incorporated
(Reidinger)

CIVIL: Whether district court abused its discretion in awarding attorney's fees to defendant in Title VII action brought by EEOC.

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

Tuesday, January 28, 2014

REVD 1/27/14

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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Richmond, VA (01/28/2014 - 01/30/2014 Session)

13-1813	Briefs	CIVIL: Propriety of summary dismissal of action alleging Title IX, Title VI, and equal protection violations arising from school's response to bullying of student.
M.D. v. School Board City of Richmond (Hudson)		
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13-1402	Briefs	CIVIL PROCEDURE: Whether personal and subject matter jurisdiction was properly exercised; whether use of a judgment by confession was permissible and appropriate; other issues.
Orlando Residence, Ltd. v. Kenneth Nelson (Norton)		
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13-1270	Briefs	BANKRUPTCY: Whether the bankruptcy court possessed discretion and, if so, properly exercised it, to reduce the Chapter 7 Trustee's fee award below that requested pursuant to 11 USC section 326(a), 330.
In Re: H. Jason Gold (O'Grady)		

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

Tuesday, January 28, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-6043	Briefs	ISSUES: Whether district court erred in denying motion to dismiss civil commitment proceedings for failure to serve summons; propriety of commitment as sexually dangerous person.
US v. Jose De La Luz Perez (Britt)		
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12-2173	Briefs	SECTION 1983: Propriety of dismissal of action for wrongful conviction due to prosecutorial misconduct.
James Owens v. Baltimore City State's Atty (Russell)		
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12-2515	Briefs	EMPLOYMENT DISCRIMINATION: Whether, in federal employment context, a showing of an adverse "personnel action" is required to establish a prima facie case of retaliation; other issues.
Maureen Hill v. Chuck Hagel (O'Grady)		
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13-4238	Briefs	SENTENCING: Whether prior Maryland conviction for first-degree burglary, breaking and entering a dwelling, is crime of violence supporting sentencing enhancement under USSG section 2L1.2.
US v. Jose Henriquez (Titus)		

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

Tuesday, January 28, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-1560	Briefs	BANKRUPTCY LAW: Whether subcontractor's postpetition service of claim of lien upon funds under state law is permitted as an exception to the automatic stay rule; other issues.
Construction Supervision Svcs v. Branch (Boyle)		
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12-7155	Briefs	Section 3582: Whether district court properly found appellant was ineligible for a reduction of his sentences pursuant to 18 U.S.C. section 3582(c)(2) (2006); other issues.
US v. Jatia Barrett (Osteen)		
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12-4947	Briefs	CRIMINAL: Whether district court erred in applying enhancements for loss and sophisticated means, ordering restitution, and judicial participation at trial and plea negotiations; other issues.
US v. Roger Camp (Boyle)		
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13-6661	Briefs	HABEAS: Whether the state sentencing court's increase of appellant's sentence violated his due process rights.
Timothy Austin v. Adrian Hoke (Faber)		

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

Tuesday, January 28, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-0006	Briefs	HABEAS CORPUS: Appeal of district court's denial of habeas corpus challenge to state capital conviction and sentence of death.
Jason Hurst v. Carlton Joyner (Schroeder)		
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13-1473	Briefs	CIVIL: Whether the district court correctly granted defendants' summary judgment motion on plaintiff's racial discrimination, hostile work environment and retaliation claims; other issues.
Reya Boyer-Liberto v. Fontainebleau (Bredar)		
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13-1481	Briefs	CIVIL RIGHTS: Whether district court erred in holding that reasonable jury could not find employer maintained a hostile work environment; other issues.
Lori Freeman v. Dal-Tile Corporation (Britt)		
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12-7905	Briefs	HABEAS: Whether district court properly denied habeas relief on claims of prosecutorial misconduct under Brady v. Maryland; other issues.
Donald Waters v. Harold Clarke (Davis)		

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

Wednesday, January 29, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-0005 [Briefs](#) HABEAS CORPUS: Appeal of district court's denial of habeas corpus challenge to state capital convictions and sentence of
William Barnes v. Carlton Joyner
(Schroeder) death.

13-1318 [Briefs](#) INSURANCE: Whether the appellee breached its duty to defend, based on the language of the policy and in light of applicable
Cornerstone Title & Escrow, v. Evanston
(Nickerson) Maryland law.

13-4089 [Briefs](#) EVIDENCE: Whether proper foundation was established for audio recordings; other issues.
US v. Demetrius Spence
(Dever)

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

Wednesday, January 29, 2014

REVD 1/24/14

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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Richmond, VA (01/28/2014 - 01/30/2014 Session)

13-7152 [Briefs](#) CRIMINAL: Whether challenge to career offender status under United States v. Simmons, 649 F.3d 237, is cognizable on
Deangelo Whiteside v. US collateral review; other issues.
(Reidinger)

13-1424 [Briefs](#) TITLE VII: Whether the district court properly determined that appellant's lawsuit was barred by res judicata; whether lawsuit
Margarita Serna v. Eric Holder, Jr. was blocked by settlement agreement; other issues.
(Lee)

13-1644 [Briefs](#) CIVIL PROCEDURE: Whether service of process was untimely under Virginia law; applicability of 28 U.S.C. section 1448
Jacqueline Rice v. Alpha Security, Inc. (2006); related issues.
(Lee)

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

Wednesday, January 29, 2014

REVD 1/10/14

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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12-1515 [Briefs](#) CIVIL: Whether the district court erred when it concluded that plaintiffs' claims were barred by the Maryland statute of limitations.
The Chesapeake Bay Fdn, v. Weyerhaeuser
(Williams)

13-4022 [Briefs](#) CRIMINAL: Whether the government's mischaracterization of the terms of the appellate waivers at sentencing effected an oral modification of the waivers.
US v. Evan Foreman
(Bredar)

Associations: 13-4028

13-6186 [Briefs](#) CRIMINAL LAW: Did the district court err in denying motion to terminate supervised release.
US v. Jeffrey Neuhauser
(Williams)

13-4370 [Briefs](#) SENTENCING: Whether Government can rely on forty-year-old information from National Crime Information Center (NCIC) to establish predicate conviction.
US v. Ernest James McDowell, Jr.
(Flanagan)

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

Wednesday, January 29, 2014

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13-1571	Briefs	CIVIL: Whether the district court correctly resolved a conflicts of law issue and issues relating to insurance coverage; other issues.
Mulvey Construction, Inc. v. Bituminous (Faber)		
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13-1889	Briefs	CIVIL: Whether motion to remand to state court was properly denied based on fraudulent joinder of non-diverse defendants; other issues.
Dawn Flores v. Ethicon, Incorporated (Goodwin)		
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13-4170	Briefs	CRIMINAL LAW: Whether the imposition of 120 year sentence violates the Eighth Amendment to the Constitution; other issues.
US v. James Cobler (Urbanski)		
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12-4922	Briefs	CRIMINAL: Whether, in conducting a supervised release revocation hearing, the district court permitted hearsay evidence in violation of Fed. R. Crim. Proc. 32.1(b)(2)(C).
US v. Larry Woods, Jr. (Voorhees)		

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

Wednesday, January 29, 2014

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13-1106 [Briefs](#) EMPLOYMENT LAW: Whether the district court erred in holding that the County's retirement plan violates the Age
EEOC v. Baltimore County, Maryland
(Legg)
Discrimination in Employment Act.

12-7419 [Briefs](#) CIVIL: Whether the right to effective assistance of counsel attaches in civil commitment proceedings under the Adam Walsh
US v. Thomas Blackledge
(Dever)
Act; other issues.

12-2561 [Briefs](#) CIVIL: Whether Dodd-Frank Act's invalidation of arbitration clauses in whistleblower context applies in non-whistleblower
Armand Santoro v. Accenture Federal
(Hilton)
context under arbitration agreement predating Dodd-Frank; issue preclusion.

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

Thursday, January 30, 2014

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13-4049 [Briefs](#)
US v. Dawud Saafir
(Eagles)

CRIMINAL: Whether officer illegally detained driver to search his vehicle for guns and contraband; whether probable cause existed to search locked glove compartment; related issues.

12-4239 [Briefs](#)
US v. Jeffrey Edelen
(Chasanow)

CRIMINAL: Challenges to convictions and sentences on conspiracy to kidnap, use of a handgun, and aiding and abetting.

Associations: 12-4246, 12-4711

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

Thursday, January 30, 2014

REVD 1/24/14

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13-4063 [Briefs](#)
US v. John Stacks
(Whitney)

CRIMINAL: Whether reasonable, articulable suspicion supported traffic stop; whether district court abused its discretion by admitting officer's testimony about meaning of slang words; other issues.

13-1031 [Briefs](#)
Joseph Antonio v. SSA Security, Inc.
(Williams)

CIVIL: Whether district court's determination that security firm was not responsible for certain acts of its employees properly construed the Maryland Security Guards Act; other issues.

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Tan Courtroom (Room 223)
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REVD 1/10/14

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13-1588 [Briefs](#)
Cody Hearn v. Lancaster County
(Gergel)

CIVIL RIGHTS: Whether district court erred in granting summary judgment on section 1983 claim of deliberate indifference to serious medical need; other issues.

12-5001 [Briefs](#)
US v. Romelus Martin
(Messitte)

CRIMINAL: Whether, in light of Descamps v. United States, 130 S. Ct. 2276 (2013), Maryland conviction for fourth-degree burglary qualifies as a crime of violence under USSG section 2K2.1(a)(2).

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Tweed Courtroom (Room 414-D)
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13-4285 [Briefs](#)
US v. Terry McVey
(Chambers)

CRIMINAL: Whether the district court erred in finding that prior incident of distributing child pornography was relevant conduct under USSG section 1B1.3.

13-1765 [Briefs](#)
CoreTel Virginia, LLC v. Verizon Virginia, LLC
(Hilton)

TELECOMMUNICATIONS LAW: Whether district court properly granted summary judgment regarding contract, billing, and tariff issues involving local exchange carriers.

13-4406 [Briefs](#)
US v. Khalil Blackman
(Brinkema)
Associations: 13-4483

CRIMINAL: Did district court err in finding defendant guilty of using, carrying firearm and conspiracy to commit robbery; denial of government's request for forfeiture.

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

Thursday, January 30, 2014

REVD 1/24/14