

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
FOR THE FOURTH CIRCUIT  
Richmond, VA (3/21/2017 - 3/24/2017 Session)  
Tuesday, March 21, 2017

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15-4757 [Briefs](#) CRIMINAL: Whether career offender enhancement, based on North Carolina breaking and/or entering conviction, proper after Johnson v. United States, 135 S. Ct. 2551 (2015).  
US v. Kenshaun Royster  
( Eagles )

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16-6132 [Briefs](#) CIVIL: Due process and equal protection challenges to prisoner's placement in segregation without hearing, allegedly in retaliation for filing grievance.  
Anthony Martin v. Susan Duffy  
( Norton )

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16-1147 [Briefs](#) IMMIGRATION: Whether alien's guilty plea to possession of cocaine constitutes a "conviction" for immigration purposes.  
Eleuterio Payan Jaquez v. Loretta Lynch

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16-4141 [Briefs](#) CRIMINAL: Whether district court erred in evidentiary rulings or in denying motion to strike potential juror for cause.  
US v. Edward Ferris  
( Moon )

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

Tuesday, March 21, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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15-2119 [Briefs](#) FAIR CREDIT REPORTING ACT: Challenge to district court's finding in favor of plaintiff class on claim that Experian  
Michael Dreher v. Experian Information committed willful violation of FCRA.  
( Gibney )

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15-7367 [Briefs](#) HABEAS: Whether counsel's failure to request alibi instruction was prejudicial.  
Maurice Hope v. Warden Cartledge  
( Harwell )

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16-4066 [Briefs](#) CRIMINAL: Multiple challenges to conviction for conspiracy to commit unlicensed manufacture of firearms,  
US v. Mark Landersman unregistered shipment of firearms, and mail fraud.  
( Brinkema )

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16-4067 [Briefs](#) CRIMINAL: Multiple challenges to conviction for conspiracy to commit unlicensed manufacture of firearms,  
US v. Lee Hall unregistered shipment of firearms, and mail fraud.  
( Brinkema )

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

Tuesday, March 21, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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16-1282 [Briefs](#) IMMIGRATION: Whether the Board abused its discretion dismissing petitioner's appeal from the denial of  
Marcelo Sanchez v. Loretta Lynch reopening; related issues.

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15-2210 [Briefs](#) CIVIL: Propriety of district court's grant of summary judgment for the appellee on the appellant's claims related to  
Diamond Falls Estates, LLC v. Nantahala a loan contract.  
( Reidinger )

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15-6417 [Briefs](#) CIVIL: Propriety of summary judgment grant to defendants on former inmate's disability discrimination claims  
Boyce Moneyhan v. Alvin Keller under ADA and Rehabilitation Act.  
( Boyle )

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16-1593 [Briefs](#) IMMIGRATION: Propriety of adverse credibility finding where IJ reversed initial finding two years after merits  
Shuqi Liu v. Loretta Lynch hearing without providing opportunity to explain discrepancies.

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

Tuesday, March 21, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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16-1420 [Briefs](#) CIVIL RIGHTS: Whether prosecutor entitled to absolute immunity where prosecutor does not withdraw an invalid  
Fadwa Safar v. Lisa Tingle arrest warrant; other issues.  
( Ellis )

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15-4317 [Briefs](#) CRIMINAL: Whether district court plainly erred holding Maryland conviction for robbery with dangerous weapon  
US v. Damien Riley constituted "crime of violence" under career offender enhancement.  
( Quarles )

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16-1558 [Briefs](#) IMMIGRATION: Whether North Carolina deferred prosecution is a conviction; related issues.  
Vijaya Boggala v. Loretta Lynch

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16-6473 [Briefs](#) CIVIL COMMITMENT: Multiple constitutional and statutory issues regarding application of BOP policies for  
Thomas Matherly v. J.F. Andrews criminal inmates to civilly committed inmate.  
( Britt )

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

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16-1264 [Briefs](#)  
Roberto Trujillo v. Landmark Media  
( Jackson )

ERISA: Whether section 510 of ERISA prohibits retaliation against employee who gives information during course of required ERISA plan audit.

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16-4157 [Briefs](#)  
US v. George Brown  
( Dever )

CRIMINAL: Whether Government established good cause for witnesses' absence, justifying hearsay evidence at supervised release revocation hearing; other issues.

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15-2552 [Briefs](#)  
Grayson O Company v. Agadir International  
( Cogburn )

TRADEMARK: Whether the district court erred in finding that Grayson O failed to establish the likelihood of confusion between the parties' products.

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15-2543 [Briefs](#)  
Patricia Villa v. Cavamezze Grill, LLC  
( Ellis )

EMPLOYMENT: Whether summary judgment was proper where manager was fired for reporting subordinate's harassment claim because employer discredited claim.

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

Tuesday, March 21, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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Wednesday, March 22, 2017

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15-1591

[Briefs](#)

Rehearing En Banc

Nancy Lund v. Rowan County, North Carolina  
( Beaty )

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

Wednesday, March 22, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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Wednesday, March 22, 2017

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16-1184 [Briefs](#)  
Toni Works v. Carolyn Colvin  
( Bennett )

EMPLOYMENT: Whether the district court erred in granting summary judgment to employer on Rehabilitation Act claims.

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15-2500 [Briefs](#)  
Carl Greene v. Railroad Retirement Board

ADMINISTRATIVE LAW: Whether Railroad Retirement Board and hearings officer properly applied regulations; whether substantial evidence supports decision.

PANEL I  
Red Courtroom (Room 412)  
After the en banc session

Wednesday, March 22, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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16-1587 [Briefs](#)  
Andrew Halldorson v. Wilmington Trust  
( Brinkema )

ERISA: Whether separation agreement barred suit; certification of class under Fed. R. Civ. P. 23.

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16-1555 [Briefs](#)  
Bayer CropScience LP v. Albemarle  
( Boyle )

CONTRACT: Whether the district court erred in applying the affirmative defense of first material breach; other issues.

PANEL II  
Butzner Courtroom 201  
After the en banc session

Wednesday, March 22, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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16-1472 [Briefs](#)  
Beatrice Lovett v. Cracker Barrel  
( Boyle )

EMPLOYMENT: Whether district court properly granted summary judgment to defendant on Title VII retaliation claim based on plaintiff's insufficient showing of pretext.

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16-1183 [Briefs](#)  
John Cady v. Ride-Away Handicap  
( Titus )

CIVIL: Whether plaintiff assumed risk or was contributorily negligent absent conclusive evidence that his actions proximately caused his injuries; other issues.

PANEL III  
Blue Courtroom (Room 339)  
After the en banc session

Wednesday, March 22, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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16-4325 [Briefs](#)  
US v. Quantrell Reid  
( Cogburn )

CRIMINAL: Whether Virginia inflicting bodily injury is a violent felony under the Armed Career Criminal Act.

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16-1384 [Briefs](#)  
Meridian Investments, Inc. v. Federal Home  
( Cacheris )

CIVIL: Whether defendants acted as instrument or agency of the Treasury Department; other issues.

PANEL IV  
Gold Courtroom (Room 348)  
After the en banc session

Wednesday, March 22, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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16-1262 [Briefs](#)  
US ex rel. Benjamin Carter v. Halliburton  
( Cacheris )

FALSE CLAIMS ACT: Appeal from district court's dismissal of complaint under first-to-file bar.

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16-1295 [Briefs](#)  
Terri Smyth-Riding v. Sciences and  
( Motz )

EMPLOYMENT: Whether district court erred in granting defendant's motion for judgment as matter of law in Title VII retaliation claim based on insufficient showing of causation.

PANEL V  
Tweed Courtroom (Room 414-D)  
After the en banc session

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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16-4165 [Briefs](#) CRIMINAL: Whether social security benefits are a "thing of value" of the United States, 18 U.S.C. section 641; other  
US v. Marcel Kiza issues.  
( Payne )

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15-1254 [Briefs](#) CONTRACT: Numerous challenges to district court ruling requiring specific performance of Purchase and Sale  
U. S. Home Corporation v. Settlers Agreement.  
( Chasanow )

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16-1427 [Briefs](#) IMMIGRATION: Whether conviction of Maryland third degree burglary constitutes a crime involving moral  
Jeisson Uribe v. Loretta Lynch turpitude.

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16-1567 [Briefs](#) CIVIL: Whether expert testimony improperly bolstered defendant's testimony; other issues.  
N.O. v. Marc Alembik  
( Ellis )

PANEL I  
Red Courtroom (Room 412)  
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15-2157 [Briefs](#) ERISA: Whether decision to reimburse insured at 80% was abuse of discretion; administrative record.  
Monte Hooper v. UnitedHealthcare  
( Hendricks )

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16-1274 [Briefs](#) IMMIGRATION: Whether it was a violation of due process to order petitioner's removal without a hearing; related  
Gustavo Nardea v. Loretta Lynch issues.

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16-1280 [Briefs](#) IMMIGRATION: Whether the court has jurisdiction over petition for review; whether the alien was improperly  
Sonia Calla Mejia v. Loretta Lynch barred from applying for asylum.

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16-6740 [Briefs](#) POST-CONVICTION: Whether the district court must consider issues first raised in petitioner's objections to a  
James Samples v. David Ballard magistrate judge's recommendation.  
( Johnston )

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

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16-1231 [Briefs](#) IMMIGRATION: Propriety of agency's determination that alien failed to establish a nexus between gang threats and a protected ground; other issues.  
Zulma Zavaleta-Policiano v. Loretta Lynch

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16-1278 [Briefs](#) CIVIL RIGHTS: Whether arrest outside officer's territorial jurisdiction is a per se violation of Fourth Amendment; other issues.  
Eddie Neal v. Lonnie Luedtke  
( Bennett )

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16-1044 [Briefs](#) CIVIL RIGHTS: Whether non-certified minority-owned business lacked standing to bring 42 U.S.C. section 1981 claim for race discrimination; other issues.  
Michael Woods v. City of Greensboro  
( Osteen )

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15-2310 [Briefs](#) CIVIL: Whether district court erred in dismissing South Carolina breach of contract and Unfair Trade Practices Act claims.  
PTA-FLA Inc v. ZTE Corporation  
( Currie )

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

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16-6411 [Briefs](#)  
Gregory Carter v. US  
( Berger )  
CIVIL: Whether inmate must show more than de minimis injury to establish subject matter jurisdiction under the FTCA; related issues.

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16-1421 [Briefs](#)  
Michael Ryu v. Daniel Whitten  
( Hilton )  
CONSTITUTIONAL LAW: Whether the district court improperly placed burden of disproving qualified immunity on plaintiff; whether plaintiff is entitled to summary judgment.

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15-2519 [Briefs](#)  
Stephany Swart v. Surendra Pawar  
( Keeley )  
Associations: 15-2555  
CIVIL: Choice of law determination; president's authority to authorize suit for corporation absent approval from board of directors; other issues.

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15-4763 [Briefs](#)  
US v. Edward Jones  
( Moon )  
CRIMINAL: Whether the district court erred in concluding that the government had established the existence of two separate conspiracies.

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

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15-2535 [Briefs](#)  
City of Rockingham v. FERC

ADMINISTRATIVE LAW: Federal Power Act, Endangered Species Act, and NEPA challenges to new license issued for Yadkin-Pee Dee River Project.

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16-1447 [Briefs](#)  
Brian C. Lee, Sr. v. Town of Seaboard  
( Dever )

CIVIL: Whether the district court correctly determined on summary judgment that officer did not use excessive force during shooting; related issues.

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16-1523 [Briefs](#)  
Raymond Gray v. William Kern  
( Nickerson )

CIVIL: Whether district court erred in granting summary judgment on section 1983 claims and in granting motion to dismiss state tort claims as moot.

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16-1578 [Briefs](#)  
Ricky Brown v. Commissioner Social Security  
( Norton )

SOCIAL SECURITY: Whether ALJ erred by relying on medical expert to give lesser weight to opinions of treating and examining physicians.

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

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16-1351 James Dillon v. Generations Federal Credit ( Eagles ) Associations: 16-1362, 16-1373	<a href="#">Briefs</a>	CIVIL: Whether movant demonstrated that an arbitration agreement existed under 9 U.S.C. section 4 (2012); related issues.
15-2440 Martha Carlson v. Boston Scientific Corp ( Voorhees )	<a href="#">Briefs</a>	CIVIL: Whether multidistrict litigation court erred in granting summary judgment; whether trial court abused its discretion in denying motion for reconsideration.
16-4317 US v. Kory Alexander Little ( Hendricks )	<a href="#">Briefs</a>	SENTENCING: Whether North Carolina offense of voluntary manslaughter is a crime of violence as defined in USSG section 4B1.2(a).
15-4408 US v. Raymond Bullette, III ( Titus )	<a href="#">Briefs</a>	CRIMINAL: Whether district court properly denied motion to suppress evidence seized after warrantless search of vehicle located near clandestine PCP laboratory.

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

Friday, March 24, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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15-4244 [Briefs](#) CRIMINAL: Multiple trial and sentencing issues in convictions for racketeering, drug, and money laundering  
US v. Russell Carrington conspiracies.  
( Hollander )  
Associations: 15-4349, 15-4400, 15-4482, 15-4605

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16-4226 [Briefs](#) SENTENCING: Propriety of restitution order; whether interference with flight crew is a crime of violence.  
US v. David Diaz  
( Trenga )

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16-1686 [Briefs](#) CIVIL RIGHTS: Whether the district court correctly granted summary judgment to officers on excessive force claim.  
Marcus Bounds v. Benjamin Parsons  
( Motz )

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16-1457 [Briefs](#) CIVIL: Whether plaintiffs had standing; whether district court erred in finding that defendants did not violate  
Peggy Hill v. Barry Coggins Endangered Species Act with regard to captive grizzly bears.  
( Reidinger )  
Associations: 16-1477

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

Friday, March 24, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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16-4214	<a href="#">Briefs</a>	SENTENCING: Whether a South Carolina conviction for assault and battery with intent to kill qualifies as crime of violence under USSG section 2K2.1(a)(4)(A).
US v. Thomas Waters ( Hendricks )		
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15-4741	<a href="#">Briefs</a>	CRIMINAL: Whether the evidence is sufficient to support defendants conviction for carjacking; other issues.
US v. Cornell Robinson ( Motz )		
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15-4510	<a href="#">Briefs</a>	CRIMINAL: Recusal of district court judge; amount of loss and restitution calculation in mortgage fraud case.
US v. Charise Stone ( Hilton )		
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16-1444	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether district court correctly determined on summary judgment that officer was entitled to qualified immunity; other issues.
Jackie Denmark v. CPL. D. P. Starcher ( Keeley )		

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

Friday, March 24, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
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16-1935 [Briefs](#)  
Gary Woodson v. Allstate Insurance  
( Boyle )

Associations: 16-2018

NATIONAL FLOOD INSURANCE PROGRAM: Challenges to coverage and bad faith findings by "write your own" insurer, including federal preemption of state law claims.

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16-4059 [Briefs](#)  
US v. Joshua Brooks  
( Hudson )

Associations: 16-4061

CRIMINAL LAW: Whether district court erroneously denied motion to suppress after concluding police officers had lawful authority to search defendants and vehicle.

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16-4096 [Briefs](#)  
Under Seal 1 v. United States  
( Conrad )

Associations: 16-4099

GRAND JURY: Whether attorney testimony about statements made by witnesses qualifies as fact work product; related issues.

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16-4139 [Briefs](#)  
US v. Mario Mondragon  
( Voorhees )

SENTENCING: Whether, under United States v. McAllister, 272 F.3d 228 (4th Cir. 2001), the government satisfied its burden to support USSG section 2D1.1(b)(1) enhancement.

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

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15-4672	<a href="#">Briefs</a>	CRIMINAL LAW: Whether agents lawfully seized cash from appellant's home when executing search warrant; whether cash exceeded the scope of the search warrant; other issues.
US v. Karen Kimble ( Quarles )		
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16-4367	<a href="#">Briefs</a>	SENTENCING: Whether prior Ohio conviction was a drug trafficking offense under USSG section 2L1.2.
US v. Dean Walker ( Currie )		
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16-4340	<a href="#">Briefs</a>	CRIMINAL: Whether district court erred in denying motion to suppress evidence recovered from rental car.
US v. Terrell Jamar Houston ( Cogburn )		
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16-1637	<a href="#">Briefs</a>	ACCREDITATION: Whether district court properly enjoined accrediting agency's denial of university's application for renewal of accreditation; other issues.
Bristol University v. Accrediting Council ( Trenga )		

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

Friday, March 24, 2017