

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (03/24/2015 - 03/26/2015 Session)

14-1208 [Briefs](#) CIVIL: Whether denial of fiduciary duty claim based on contract language proper; relevance of parties' conduct for agency analysis.
Petr Bocek v. JGA Associates, LLC
(Hilton)

14-1098 [Briefs](#) CIVIL PROCEDURE: Whether the district court erred denying the Fed. R. Civ. P. 50 motion; related issues.
Robert Donnert v. Feld Entertainment, Inc.
(Ellis)
Associations: 14-1147

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

Tuesday, March 24, 2015

REVD 3/20/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (03/24/2015 - 03/26/2015 Session)

13-2474 [Briefs](#)
Ashton LeBlanc v. Eric Holder, Jr.

IMMIGRATION: Propriety of transferring to district court U.S. citizen's claims pertaining to Board of Immigration Appeals' order relevant to adjudication of I-130 petition.

14-1748 [Briefs](#)
Doe 2 v. John Rosa
(Gergel)
Associations: 14-1749

CIVIL RIGHTS: Whether district court erred in granting summary judgment for defendant in section 1983 action alleging "state created danger"; other issues.

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

Tuesday, March 24, 2015

REVD 3/4/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (03/24/2015 - 03/26/2015 Session)

14-1385 [Briefs](#)
Matthew Jenkins v. James Ward, Sr.
(Conrad)

BANKRUPTCY: When did meeting of creditors adjourn where trustee continued the meeting but failed to state the date and time of the continued meeting?

14-6411 [Briefs](#)
Lumumba Incumaa v. Bryan Stirling
(Norton)

CIVIL RIGHTS: Whether material issues of fact existed on prisoner's RLUIPA and due process claims.

13-2005 [Briefs](#)
Richard Amos v. Eric Holder, Jr.
Associations: 14-1633

IMMIGRATION: Whether agency erred in finding petitioner removable as an aggravated felon based on his conviction for sexual abuse of a minor.

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

Tuesday, March 24, 2015

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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10-6929 [Briefs](#)
US v. Joseph Newbold
(Schroeder)

CRIMINAL: Whether Newbold is entitled to postconviction relief on ACCA sentence ("serious drug offense") under United States v. Simmons.

13-1695 [Briefs](#)
Stella Andrews v. America's Living Centers, LLC
(Reidinger)

CIVIL: Whether district court's order is a final, appealable order, whether attorney fees may be awarded as costs under Fed. R. Civ. P. 41(d).

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

Tuesday, March 24, 2015

REVD 3/4/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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Richmond, VA (03/24/2015 - 03/26/2015 Session)

14-6229 [Briefs](#) CIVIL RIGHTS: Propriety of grant of summary judgment on plaintiff's failure-to-protect Eighth Amendment claim, arising from
Kim Strickland v. John Jabe inmate's murder of another inmate.
(Jones)

14-1406 [Briefs](#) CIVIL: Propriety of district court's dismissal of claims for breach of seal requirements of the False Claims Act; other issues.
Brian Smith v. Clark/Smoot/Russell
(Titus)

14-1427 [Briefs](#) COPYRIGHT: Whether the district court erred in applying the substantial similarity test for copyright infringement at the
Devin Copeland v. Justin Bieber motion to dismiss stage; related issues.
(Allen)

Associations: 14-1653

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

Tuesday, March 24, 2015

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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14-1568	Briefs	TRADEMARK LAW: Whether plaintiffs' use of NAACP trademarks constituted trademark infringement; whether tarnishment of the trademarks is excepted from statutory bar against trademark dilution.
The Radiance Foundation, Inc. v. NAACP (Jackson)		
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14-4211	Briefs	CRIMINAL: Whether North Carolina conviction for second-degree rape qualifies as crime of violence under USSG section 4B1.2; other issues.
US v. Aaron Shell (Voorhees)		
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13-4633	Briefs	CRIMINAL: Numerous issues arising in drug conspiracy prosecution; denial of motions to suppress; evidentiary rulings; contact with jurors; firearm enhancement.
US v. Francisco Barahona (Titus)		
Associations: 13-4637, 13-4822		

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

Wednesday, March 25, 2015

REVD 3/20/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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Richmond, VA (03/24/2015 - 03/26/2015 Session)

14-1724	Briefs	CONSUMER LAW: Whether district court properly dismissed putative class action alleging false and misleading advertisement of dietary supplements containing glucosamine and chondroitin.
In re: GNC Corp. (Motz)		
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14-4798	Briefs	CRIMINAL LAW: Challenge to rulings limiting or excluding certain evidence proffered by the government in trial for health care fraud.
US v. Amir A. Bajoghli (Lee)		
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14-1698	Briefs	LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT: Whether worker who receives benefits for permanent partial disability is entitled to any additional compensation for wage earning capacity.
Huntington Ingalls Industries v. Ricky Eason		

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

Wednesday, March 25, 2015

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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14-1651	Briefs	CONSTITUTIONAL LAW: Whether S.C. robocall statutes are a content based restriction on speech, impermissibly compel speech, or are unconstitutionally vague; other issues.
Robert Cahaly v. Paul LaRosa, III (Childs)		
Associations: 14-1680		

14-1021	Briefs	CIVIL: Whether appeals from denial of intervention are mooted by voluntary dismissal with prejudice in underlying action.
Karen Foster v. John Wynne (Moon)		
Associations: 14-1022		

14-1331	Briefs	IMMIGRATION: Whether substantial evidence supports the determination that alien failed to establish a well-founded fear of persecution on account of her proposed particular social group; other issues.
Maydai Hernandez-Avalos v. Eric Holder, Jr.		

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

Wednesday, March 25, 2015

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-4133	Briefs	CRIMINAL: Multiple issues in eight-day drug conspiracy trial, including admission of wiretap evidence, speedy trial, and jury instructions.
US v. Xavier Eccleston (Williams)		
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14-1565	Briefs	SOCIAL SECURITY: Whether substantial evidence supports ALJ's decision to afford limited weight to treating psychiatrist's opinion regarding claimant's mental residual function capacity; other issues. 15 mins. per side.
Lisa Dunn v. Carolyn Colvin (Gibney)		
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14-1227	Briefs	CONTRACTS: Propriety of summary judgment, motion in limine; other issues.
Certain Underwriters v. Max Cohen (Schulze)		

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

Wednesday, March 25, 2015

REVD 2/10/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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14-4599 [Briefs](#)
US v. Anthony Wynn
(Jackson)

CRIMINAL: Whether simple possession of marijuana is properly categorized as a Grade B or Grade C supervised release violation.

13-7841 [Briefs](#)
US v. Wesley Foote
(Tilley)

CRIMINAL: Whether challenge to sentence in light of United States v. Simmons is cognizable in timely 28 U.S.C. section 2255 motion.

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

Wednesday, March 25, 2015

REVD 3/3/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-0009 [Briefs](#)
US v. Brandon Basham
(Anderson)

HABEAS CORPUS: Numerous issues arising out of federal capital murder conviction and sentencing.

14-1825 [Briefs](#)
Bruce Goldfarb v. Mayor & City Council
(Bennett)

RESOURCE CONSERVATION AND RECOVERY ACT: Whether the complaint set forth sufficient claims under the RCRA; whether the anti-duplication provision of the Act precludes relief; other issues.

14-1945 [Briefs](#)
Stephen Kolbe v. Lawrence Hogan, Jr.
(Blake)

CONSTITUTIONAL LAW: Appeal from district court's ruling sustaining constitutionality of Maryland Firearm Safety Act of 2013.

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

Wednesday, March 25, 2015

REVD 3/20/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (03/24/2015 - 03/26/2015 Session)

13-4784 [Briefs](#)
US v. Antonio Hill
(Williams)

CRIMINAL: Whether Hill's failure to enter conditional guilty plea deprives this court of jurisdiction over his appeal of denial of motion to suppress.

14-4136 [Briefs](#)
US v. Robert Patrick Hoffman, II
(Doumar)

CRIMINAL: Whether district court abused its discretion in handling of request for mental health services or in protection of certain classified information.

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

Thursday, March 26, 2015

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-7239 [Briefs](#)
Zachary Chesser v. Barbara Chesser
(O'Grady)

CIVIL: Whether district court improperly dismissed complaint as frivolous and improperly denied leave to file amended complaint.

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

Thursday, March 26, 2015

REVD 3/20/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-1859 [Briefs](#)
Richard Bilheimer v. Federal Express
(Anderson)

ERISA: Proper judicial review standard for benefit denial; whether claimant disabled under plan.

14-1799 [Briefs](#)
Chorley Enterprises, Inc. v. Dickey's Barbecue
(Grimm)

ARBITRATION: Did district court err in failing to compel arbitration of common law claims; did district court err in finding ambiguity in agreements; other issues.

Associations: 14-1800, 14-1833, 14-1834

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

Thursday, March 26, 2015

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-4491 [Briefs](#)
US v. Savino Braxton
(Bennett)

CRIMINAL LAW: Whether the district court violated Rule 11(c)(1) by improperly inserting itself in plea negotiations; other issues.

14-4244 [Briefs](#)
US v. Gerson Aplicano-Oyuela
(Messitte)

CRIMINAL: Whether imposition of three-year term of supervised release on removable alien was unreasonable in light of USSG section 5D1.1(c).

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

Thursday, March 26, 2015

REVD 2/10/15

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14-1382 [Briefs](#)
Grayson Hare, Jr. v. Shirley Simpson
(Motz)

CIVIL: Whether district court erred in concluding claims arising under diversity jurisdiction were barred by res judicata.

14-1654 [Briefs](#)
Hanwha Azdel, Inc. v. C&D Zodiac, Inc.
(Moon)

CONTRACT: Whether district court erred in granting summary judgment on finding no breach of contract, damages, or breach of confidentiality agreement.

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

Thursday, March 26, 2015