
12-0005 [Briefs](#) HABEAS CORPUS: Appeal from district court's denial of habeas corpus challenge to state capital convictions and sentence of death.
Ricky Gray v. David Zook
(Trenga)
Associations: 14-0003

14-1384 [Briefs](#) CIVIL: Credit grantor liability under Maryland Credit Grantor Closed End Credit Provisions; other issues.
Dante Askew v. HRFCLLC, LLC
(Bennett)

14-1780 [Briefs](#) IMMIGRATION: Whether petitioner established eligibility for relief based on membership in particular social group.
Vladimir Ortega Oliva v. Loretta Lynch

14-1939 [Briefs](#) EMPLOYMENT: Whether appeal of dismissal without prejudice is interlocutory; whether district court properly dismissed complaint alleging employment discrimination based on race and age.
Freddie Goode v. Central VA Legal Aid
(Hudson)

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

Tuesday, September 15, 2015

14-1737 [Briefs](#) CONTRACT: Whether lease provisions were ambiguous such that summary judgment was premature;
Monsanto Company v. ARE-108 Alexander Rd. entitlement to attorney's fees.
(Osteen)
Associations: 14-1776

14-1878 [Briefs](#) IMMIGRATION: Whether agency properly applied circumstance-specific approach in determining state conviction
Hernan Hernandez-Zavala v. Loretta Lynch was domestic violence crime under 8 U.S.C. section 1227(a)(2)(E)(i).

14-1661 [Briefs](#) CIVIL: Whether Quicken Loans "used" appellant's credit score within meaning of 15 U.S.C. 1681g(g)(1) (Fair Credit
Alisha Kingery v. Quicken Loans Reporting Act).
(Goodwin)

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

Tuesday, September 15, 2015

REVD 8/14/15

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| 14-2323 | Briefs | TITLE VII: Whether the physical fitness test used by the FBI discriminates on the basis of sex; other issues. |
| Jay Bauer v. Loretta Lynch (Ellis) | | |
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| 14-1942 | Briefs | IMMIGRATION: Whether it was an abuse of discretion to deny the motion for a continuance; related issues. |
| Charles Anyaso v. Loretta E. Lynch | | |
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| 14-2006 | Briefs | FAIR CREDIT REPORTING ACT: Did district court err in certifying Rule 23(b)(2) class action and in approving class action settlement. |
| Gregory Berry v. LexisNexis Risk & Info (Spencer) Associations: 14-2050, 14-2101 | | |
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| 14-2170 | Briefs | ERISA: Whether claims barred by arbitration provision in services agreement between hospital and insurer; scope of Federal Arbitration Act. |
| Greenville Hospital Sys. v. Employee Welfare (Cain) | | |

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

Tuesday, September 15, 2015

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| 14-6882 | Briefs | Section 1983: Whether plaintiff demonstrated sufficient deprivation and serious injury in Eighth Amendment claim. |
| Kory Putney v. R. Likin (Russell) | | |
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| 14-6969 | Briefs | HABEAS: Whether Hines' claim of merger of convictions may be brought under the savings clause of 28 U.S.C. section 2255 (2012). |
| Christopher Hines v. Drew (Lewis) | | |
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| 14-2040 | Briefs | CIVIL: In product liability cross-appeals, did district court properly rely on learned intermediary doctrine to deny relief; admissibility of expert testimony. |
| Kathleen Higgins v. Forest Laboratories, Inc. (Urbanski) Associations: 14-2133 | | |
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| 14-1778 | Briefs | CIVIL: Whether district court applied proper statute of limitations to ultra vires claims; whether defendant acted beyond its statutory authority; attorney's fees; other issues. |
| Tommy Davis Const., Inc. v. Cape Fear (Howard) Associations: 14-2132 | | |

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

Tuesday, September 15, 2015

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| 11-0009 | Briefs | HABEAS CORPUS: Appeal of district court's denial of habeas corpus challenge to state capital conviction and sentence of death. |
| Ivan Teleguz v. David Zook (Jones) | | |
| Associations: 14-0002 | | |
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| 14-1994 | Briefs | CIVIL: Whether the district court correctly concluded that the hearing officer properly determined that the appellee provided appellant with a free and appropriate education; related issues. |
| O. S. v. Fairfax County School Board (Ellis) | | |
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| 14-1787 | Briefs | CIVIL: Whether plaintiff's insurance policy excluded claim for which plaintiff sought defense costs and indemnification; other issues. |
| Brawner Builders, Inc. v. Northern Assur. (Blake) | | |
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| 14-2313 | Briefs | ADMINISTRATIVE LAW: Whether Mine Safety and Health Review Commission erred in reversing ALJ's finding that mine safety violations were not significant and substantial under 30 U.S.C. section 814(d)(1). |
| Knox Creek Coal Corporation v. Sec. of Labor | | |

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

Wednesday, September 16, 2015

REVD 8/18/15

13-2375 [Briefs](#) CLASS ACTION: Whether district court erred in decertifying class, denying substitution of class representatives, in
Gwen Hart v. Louisiana-Pacific Corporation breach of warranty suit.
(Boyle)

4-2072 [Briefs](#) LABOR: Whether Board had jurisdiction to reinstitute proceedings where court's enforcement denial was not
NLRB v. Enterprise Leasing Company based on Board's factual findings; and if so, should order be enforced.

14-2051 [Briefs](#) LABOR: Whether Board had jurisdiction to reinstate proceedings; if so, should order finding company violated
Huntington Ingalls Inc. v. NLRB the National Labor Relations Act by refusing to bargain be enforced.
Associations: 14-2148

14-0005 [Briefs](#) HABEAS CORPUS: Appeal of district court's denial of habeas corpus challenge to state capital conviction and
Thomas Porter v. David Zook sentence of death.
(Spencer)

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

Wednesday, September 16, 2015

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| 14-1810 | Briefs | TORTURE VICTIM PROTECTION ACT/ALIEN TORT STATUTE: Whether former Somali army colonel is entitled to immunity; whether allegations constitute non-justiciable political questions. |
| Farhan Warfaa v. Yusuf Ali (Brinkema) | | |
| Associations: 14-1934 | | |

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| 14-4733 | Briefs | CRIMINAL: Whether the district court erred in denying motion to suppress. |
| US v. Andre Slocumb (Conrad) | | |

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| 14-2363 | Briefs | CIVIL: Whether district court abused its discretion in denying attorney fees based on finding that appellant was not a prevailing party and that government position was substantially justified. |
| Natl Org. for Marriage v. US, Internal (Cacheris) | | |

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| 15-1102 | Briefs | PRODUCT LIABILITY: Challenges to evidentiary rulings, instructions, and punitive damages award following jury trial in pelvic mesh MDL case. |
| Donna Cisson v. C. R. Bard, Incorporated (Goodwin) | | |
| Associations: 15-1137 | | |

PANEL III
Tan Courtroom (Room 223)
** 9:00 a.m. **

Wednesday, September 16, 2015

REVD 9/15/15

14-1708 [Briefs](#) IMMIGRATION: Whether substantial evidence supports determination that petitioner failed to establish nexus
Selvin Santos Moreno v. Loretta Lynch between past persecution and protected ground; other issues.

14-4049 [Briefs](#) CRIMINAL: Whether the district court erred by denying defendant's motion to suppress.
US v. Charles Williams, Jr.
(Osteen)

13-2446 [Briefs](#) IMMIGRATION: Whether the adverse credibility finding is supported by substantial evidence; related issues.
Shewangizaw Worku v. Loretta Lynch

14-2352 [Briefs](#) CONTRACT: Whether the district court erred in finding that appellant waived his breach of contract claim;
John Kolb, Jr. v. ACRA Control, Ltd. application of Irish law; denial of second motion to amend.
(Grimm)

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

Wednesday, September 16, 2015

15-1008 [Briefs](#) TELECOMMUNICATIONS LAW: Whether district court correctly interpreted remand order; whether damage award was proper.
CoreTel Virginia, LLC v. Verizon Virginia, LLC
(Hilton)

14-4204 [Briefs](#) CRIMINAL: Numerous issues arising from convictions and sentences for conspiracy to receive and transport stolen cigarettes, conspiracy to commit money laundering, receiving stolen property, and money laundering.
US v. Kamal Qazah
(Whitney)
Associations: 14-4366

14-1444 [Briefs](#) EMPLOYMENT: Whether district court erred in granting summary judgment to employer on retaliation claim.
Susan Engler v. Harris Corporation
(Russell)

14-1700 [Briefs](#) CIVIL: Whether claimant's chronic fatigue syndrome was a severe medically determinable impairment; other issues.
Thomas Bowers v. Carolyn Colvin
(Beaty)

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

Wednesday, September 16, 2015

15-1811 [Briefs](#)
Gavin Glass v. Towson University
(Bennett)

EXPEDITED: Appeal from injunction prohibiting university from excluding appellant from participation in football program.

PANEL I
Red Courtroom (Room 412)
2:00 p.m.

Wednesday, September 16, 2015

REVD 8/6/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
Richmond, VA (9/15/2015 - 9/17/2015 Session)

14-4745 [Briefs](#) SENTENCING: Reasonableness of upward departure based on adult convictions committed while juvenile; other
US v. Dilade McCoy issues.
(Payne)

14-1923 [Briefs](#) BLACK LUNG: Whether miner may invoke 15-year presumption to establish change in applicable condition of entitlement
Eastern Associated Coal v. DOWCP for subsequent claim.

14-4416 [Briefs](#) CRIMINAL: Whether evidence was sufficient to support "purpose" requirement of 18 U.S.C. section 2251(a)
US v. Anthony Palomino-Coronado offense; other issues.
(Titus)

14-4283 [Briefs](#) CRIMINAL LAW: Whether defendant submitted to authority under California v. Hodari D., 499 U.S. 621 (1991).
US v. Lavelle Stover Other issues related to motion to suppress.
(Grimm)

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

Thursday, September 17, 2015

14-1494 [Briefs](#)
Wendell Griffin v. Baltimore Police
(Motz)

CIVIL RIGHTS: Whether showing "favorable termination" of conviction is required if habeas action abandoned on early release; related issues.

14-2267 [Briefs](#)
FLAME S.A. v. Freight Bulk Pte. Ltd.
(Doumar)

Associations: 15-1120

FEDERAL JURISDICTION: Whether district court had subject matter jurisdiction over claims involving foreign plaintiffs and foreign defendants; other issues.

14-4307 [Briefs](#)
US v. Warren Moseley
(Beaty)

CRIMINAL: Validity of waiver where Government mentioned waiver during plea colloquy but court indicated appeal was possible under some circumstances; other issues.

14-4678 [Briefs](#)
US v. Antonio V. White
(Dever)

CRIMINAL: Applicability of United States v. Simmons in determining whether underlying North Carolina offense qualifies 18 U.S.C. section 371 conviction as a felony; other issues.

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

Thursday, September 17, 2015

14-7025 [Briefs](#) SENTENCING: Whether district court abused its discretion in denying sentence reduction available under section
US v. Joshua Cole 18 U.S.C. section 3582(c)(2).
(Dever)

14-4154 [Briefs](#) SENTENCING: Whether sentences are procedurally and substantively reasonable; whether Trevin Gibson's
US v. Trevin Gibson sentence violates Eighth Amendment.
(Dever)
Associations: 14-4169, 14-4183

14-4568 [Briefs](#) CRIMINAL: Whether defendant's South Carolina Youthful Offender Act convictions were proper predicate
US v. James Morris Sellers convictions for Armed Career Criminal Act enhancement.
(Harwell)

14-4766 [Briefs](#) CRIMINAL: Whether conviction under S.C. Code Ann. section 16-11-312(B) qualifies as violent felony for purposes
US v. Gregory McLeod of Armed Career Criminal Act.
(Lewis)

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

Thursday, September 17, 2015

14-4695 [Briefs](#)
US v. Kenneth Rush
(Copenhagen)

CRIMINAL: Whether suppression was required where officers falsely claimed to have search warrant to protect consenting property owner.

14-4502 [Briefs](#)
US v. Alvis Damon Williams
(Anderson)

CRIMINAL: Whether district court erred in permitting appellant to represent himself; propriety of court's management of trial; other issues.

13-4828 [Briefs](#)
US v. Jeffrey Martinovich
(Doumar)

SENTENCING: Valuation of privately held company for purposes of loss calculation; whether court treated Guidelines as mandatory; other issues.

15-1001 [Briefs](#)
Kent Stahle v. CTS Corporation
(Cogburn)

CIVIL: Does the "personal injury" statute of repose contained in N.C. Gen. Stat. section 1-52(16) apply to claims for latent disease; other issues.

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

Thursday, September 17, 2015

REVD 9/16/15