

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (09/16/2014 - 09/19/2014 Session)

13-1016 [Briefs](#) IMMIGRATION: Whether, in light of *Ai Hua Chen v. Holder*, 742 F.3d 171 (4th Cir. 2014), the Board of Immigration Appeals abused its discretion in denying motion to reopen.
Wanrong Lin v. Eric Holder, Jr.

13-2330 [Briefs](#) CIVIL: Whether North Carolina's two-tier review system is consistent with IDEA; administrative exhaustion; other issues.
E. L. v. Chapel Hill-Carrboro Board of
(Schroeder)

13-1923 [Briefs](#) CIVIL RIGHTS: Whether the district court erred in denying police officer's qualified immunity defense in section 1983 suit.
Roy Rogers v. Christopher Stem
(Trenga)

13-1988 [Briefs](#) IMMIGRATION: Whether the BIA's opinion in *In re: Le, 25 I. & N. Dec. 541* (BIA 2011), is entitled to Chevron deference.
Noel Regis v. Eric Holder, Jr.

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

Tuesday, September 16, 2014

REVD 8/27/14

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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Richmond, VA (09/16/2014 - 09/19/2014 Session)

13-4771	Briefs	CRIMINAL: Whether district court erred by failing to consider factors unrelated to substantial assistance when considering extent of departure below mandatory minimum.
US v. Quinton Spinks (Schroeder)		
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13-4427	Briefs	CRIMINAL: Whether the district court erred in calculating loss under the Sentencing Guidelines and calculating the restitution amount for offense under 18 U.S.C. section 1920 (2012).
US v. Darlene Altvater (Chasanow)		
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13-1820	Briefs	CIVIL: Whether the denial of a motion to dismiss predicated on "governmental immunity" is an appealable interlocutory order; other issues.
Brett Davis v. City of Greensboro (Eagles)		
Associations: 13-1826, 13-1825, 13-1827		
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13-1682	Briefs	IMMIGRATION: Whether agency erred in deeming alien inadmissible under 8 U.S.C. section 1182(a)(6)(C)(i) and requiring section 1182(i) waiver for adjustment of status.
Xing Yang v. Eric Holder, Jr.		

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

Tuesday, September 16, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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Richmond, VA (09/16/2014 - 09/19/2014 Session)

12-8042 [Briefs](#) HABEAS: Whether appellant's counsel was constitutionally ineffective for failing to raise an Equal Protection Clause challenge
US v. Victor Mason on the basis of racially animated selective law enforcement.
(Currie)

13-2512 [Briefs](#) ERISA: Effect of "freeze" on supplemental retirement benefits; exhaustion.
Noorali Savani v. Roger Allen
(Childs)

13-4446 [Briefs](#) CRIMINAL: May court review suppression motion merits where district court ruled on merits but later found untimely and
US v. Corey A. Moore therefore waived.
(Williams)

13-1795 [Briefs](#) CIVIL: Whether the district court erred in dismissing claims under the Fair Debt Collection Practices Act.
Kharyn Ramsay v. Sawyer Property
(Bennett)

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

Tuesday, September 16, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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Richmond, VA (09/16/2014 - 09/19/2014 Session)

13-2249	Briefs	TAX: Whether bank's deed of trust had priority over federal tax lien under 26 U.S.C. sections 6323(a) and 6323(h)(1).
Restivo Auto Body, Inc. v. United States (Hollander)		
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13-1970	Briefs	CIVIL: Whether the district court erred in determining appellants were not entitled to payment on certificates of deposit; other issues.
Cecil King, Jr. v. Bank of New York Mellon (Trenga)		
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13-2229	Briefs	IMMIGRATION: Whether appellant's conviction under Va. Code section 18.2-9, grand larceny, was properly considered an aggravated felony; related issues.
Sayed Omargharib v. Eric Holder, Jr.		
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13-4555	Briefs	CRIMINAL: Determination of relevant conduct, propriety of enhancements for stolen firearm, number of firearms, and firearms trafficking, sufficiency of evidence.
US v. Jesus Pineda (Boyle)		

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

Tuesday, September 16, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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Richmond, VA (09/16/2014 - 09/19/2014 Session)

13-7358 [Briefs](#)
US v. Thomas Mills, Sr.
(Britt)

POST-CONVICTION: Whether petitioner is entitled to a certificate, pursuant to 28 U.S.C. section 2513(a), that his conviction was invalid.

13-4296 [Briefs](#)
US v. Dennis Howard
(Dever)

CRIMINAL: Whether the district court erred in upwardly departing under the Sentencing Guidelines and sentencing defendant to life imprisonment; other issues.

Associations: 13-4299

13-2116 [Briefs](#)
Michael Wolff v. US
(Messitte)

BANKRUPTCY: Whether funds transferred from the debtor to the government were property of the debtor.

13-2178 [Briefs](#)
M. C. v. James Amrhein
(Norton)

1983: Whether social services employees and physicians are entitled to qualified immunity in suit related to sex assignment surgery; other issues.

Associations: 13-2182, 13-2183

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

Wednesday, September 17, 2014

REV'D 8/22/14

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (09/16/2014 - 09/19/2014 Session)

13-1960 [Briefs](#) WILD AND SCENIC RIVERS ACT: Challenge to USFS 2012 Plan restricting floating on Headwaters of Chattooga River; other
American Whitewater v. Thomas Tidwell issues.
(Lewis)
Associations: 13-2016, 13-2017

13-1884 [Briefs](#) BANKRUPTCY LAW: Whether state law preempts common law and homeowners association's Declaration, resulting in
Kingston at Wakefield Home v. Kim Dehavior unsecured claim for unpaid dues where lien not filed with clerk of court.
(Boyle)

13-1877 [Briefs](#) SECTION 1983: Whether defendant was entitled to qualified immunity in action alleging excessive force by police officer.
Stephen Krein v. L. Price
(Copenhaver)

13-1605 [Briefs](#) IMMIGRATION LAW: Whether immigrant's Fourth or Fifth Amendment rights were violated by ICE officers in predawn
Maria Yanez-Marquez v. Eric Holder, Jr. execution of warrant.

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

Wednesday, September 17, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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Richmond, VA (09/16/2014 - 09/19/2014 Session)

13-1779 [Briefs](#) FEDERAL PROCEDURE: Whether the district court erred in holding that certification of the proposed "promotions" class is not warranted.
Quinton Brown v. Nucor Corporation
(Houck)

13-1996 [Briefs](#) CONSTITUTIONAL LAW: Whether City of Norfolk's sign regulations violated First Amendment; other issues.
Central Radio Company Incorpor v. City of
(Allen)
Associations: 13-1997

13-2363 [Briefs](#) TRAFFICKING VICTIMS PROTECTION ACT: Are plaintiff's TVPA claims barred by the statute of limitations; other issues.
Cristina Cruz v. Nilda Maypa
(Hilton)

13-4159 [Briefs](#) CRIMINAL: Whether appellant had three qualifying ACCA predicate convictions; whether challenge to firearm conviction is barred by appeal waiver.
US v. Sherwin Archie
(Boyle)

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

Wednesday, September 17, 2014

REVD 9/12/14

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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Richmond, VA (09/16/2014 - 09/19/2014 Session)

13-1653	Briefs	IMMIGRATION: Propriety of agency's conclusion that petitioner did not qualify as a refugee under the Immigration and Nationality Act.
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13-2283	Briefs	SOVEREIGN IMMUNITY: Whether defendants are entitled to Eleventh Amendment immunity in suit alleging violation of Fair Labor Standards Act.
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14-1414	Briefs	HAGUE CONVENTION: Did district court correctly extend comity to opinion of German court that children should not be returned to United States.
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13-1801	Briefs	IMMIGRATION: Whether permanent stop-time provision applies retroactively to crime committed prior to effective date of IIRIRA.

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

Wednesday, September 17, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-7655 [Briefs](#) CONSTITUTIONAL LAW: Whether blanket strip searches and physical delousing of prearrest detainees violated their constitutional rights.
Michael Cantley v. West Virginia Regional Jail
(Chambers)

13-2014 [Briefs](#) CONSTITUTIONAL LAW: Whether Fourth Amendment permits strip search of person arrested on minor charge before magistrate has reviewed charges; other issues.
Dana West v. Susan Murphy
(Blake)

13-1935 [Briefs](#) TITLE VII: Causal connection between protected activity and alleged retaliatory constructive discharge by Employer.
Heather Rome v. Development Alternatives,
(Titus)

14-1522 [Briefs](#) ADMINISTRATIVE LAW: Was FDA's application of the 180-day exclusivity provision of the Food Drug and Cosmetic Act to a reissued patent a permissible construction of the Hatch-Waxman Act.
Mylan Pharmaceuticals, Inc. v. FDA
(Keeley)

Associations: 14-1529, 14-1593

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

Wednesday, September 17, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-1473 [Briefs](#) REHEARING EN BANC
Reya Boyer-Liberto v. Fontainebleau
(Bredar)

13-7152 [Briefs](#) REHEARING EN BANC
Deangelo Whiteside v. US
(Reidinger)

13-1839 [Briefs](#) REHEARING EN BANC
Joyce Barlow v. Colgate Palmolive Company
(Nickerson)
Associations: 13-1840

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

Thursday, September 18, 2014

REVD 7/16/14

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (09/16/2014 - 09/19/2014 Session)

13-4683 [Briefs](#)
US v. George Ward
(Morgan)

CRIMINAL: Propriety of mandatory minimum supervised release revocation sentence.

13-4373 [Briefs](#)
US v. Lionel Cox
(Flanagan)

CRIMINAL: Whether district court gave erroneous aiding and abetting jury instruction; whether appellant waived issue; admission of 404(b) evidence; other issues.

13-4831 [Briefs](#)
US v. Jay Briley
(O'Grady)

CRIMINAL: Whether assault is necessary to support convictions of misdemeanor and physical contact felony provisions of 18 U.S.C. section 111(a).

13-4763 [Briefs](#)
US v. Kenneth Dodd
(Flanagan)

SENTENCING: Application of U.S. Sentencing Guidelines Manual section 2C1.1(b)(3) to federal prison guard.

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

Friday, September 19, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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Richmond, VA (09/16/2014 - 09/19/2014 Session)

13-4576 [Briefs](#) CRIMINAL: Availability of proportionality review for 980-month sentence imposed upon child pornography production
US v. John Dowell convictions.
(Urbanski)

13-4806 [Briefs](#) CRIMINAL: Whether the district court erred by denying defendants' motions to suppress evidence.
US v. Robert Hill
(Keeley)
Associations: 13-4811, 13-4820

13-4510 [Briefs](#) CRIMINAL: Whether district court erred in applying USSG section 2K2.1 Guidelines enhancement for possession of firearm in
US v. Joshua Larrimore connection with another felony offense.
(Osteen)

13-4567 [Briefs](#) CRIMINAL: Sufficiency of the evidence; restitution and loss amount; other issues.
US v. Robert Steele
(Lee)

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

Friday, September 19, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-4634 [Briefs](#)
US v. Jose Bran
(Payne)

SENTENCING: Whether district court erred by imposing consecutive life sentence under 18 U.S.C. section 924(j) (2012); other issues.

13-4606 [Briefs](#)
US v. Mario Vasquez Avila
(Voorhees)

CRIMINAL: Whether the district court erred in imposing an eight-level increase pursuant to USSG section 2L1.2(b)(1)(C) following Descamps v. United States, 133 S. Ct. 2276 (2013).

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

Friday, September 19, 2014

REVD 9/12/14

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-4365	Briefs	CRIMINAL: Whether reasonable suspicion supported the prolongation of a traffic stop and, ultimately, the discovery of contraband in the vehicle.
US v. Shane Cohen (Flanagan)		
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13-2027	Briefs	IMMIGRATION: Whether the agency improperly employed the modified categorical approach in considering whether alien's Virginia conviction for sexual battery constituted a crime of violence.
Khalid Mohamed v. Eric Holder, Jr.		
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13-4386	Briefs	CRIMINAL: Whether sentence that violated Alleyne can be upheld as harmless; whether prosecutor improperly vouched for or bolstered testimony; other issues.
US v. Alan Johnson (Boyle)		
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13-2102	Briefs	LABOR ARBITRATION: Whether district court applied proper standard of review in vacating arbitration award.
Washington Gas Light Company v. (O'Grady)		

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

Friday, September 19, 2014