

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, January 13, 2009

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Suhrheinrich, Gilman, White**

07-3926 USA v. Young

Southern District of Ohio at Dayton W. Rice

Defendant appeals the judgment of conviction and sentence entered following his guilty plea to conspiracy to possess cocaine with intent to distribute and use of a firearm in relation to drug trafficking. (15 Minutes Per Side)

07-5280 Robbins, et al. v. Saturn Corp

Middle District of Tennessee at Columbia W. Haynes

Plaintiff appeals the district court's judgment dismissing his employment discrimination complaint filed under the Americans with Disabilities Act and its order denying his motion to alter or amend the judgment. (To Be Submitted On Briefs)

07-3578 USA v. Jemison

Northern District of Ohio at Cleveland D. Nugent

Defendant appeals his conviction and sentence for possession with intent to distribute cocaine and being a felon in possession of ammunition. (15 Minutes Per Side)

07-4359 Bi Liu v. Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that affirms the denial of his motion to reopen immigration proceedings based on changed country conditions. (15 Minutes Per Side)

08-5447 Mark Spaulding v. HHS

Eastern District of Kentucky at Lexington G. Unthank

Plaintiff appeals the order denying his Rule 60(b) motion to vacate a 1994 judgment affirming the administrative decision in this action for social security supplemental benefits. (To Be Submitted On Briefs)

07-3308 USA v. Smith

Northern District of Ohio at Cleveland D. Polster

Defendant appeals the judgment of sentence entered on his guilty plea to being a felon in possession of a firearm. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, January 13, 2009

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Norris, Batchelder, Rogers**

07-6485 USA v. Gregory McMurry

Middle District of Tennessee at Cookeville T. Campbell

Defendant appeals his conviction and sentence following his guilty plea to six counts of distribution of cocaine base. (15 Minutes Per Side)

08-1239 Ted Birkholz, et al. v. County of Macomb, et al.

Eastern District of Michigan at Detroit G. Rosen

08-1269 Lawrence Kawecki, et al. v. County of Macomb, et al.

Eastern District of Michigan at Detroit G. Rosen

Plaintiffs appeal the summary judgment for defendants in this civil rights action alleging mismanagement and misappropriation of funds held in conservatorships. (15 Minutes Per Side)

07-5208 Devereaux v. Mills, et al.

Eastern District of Tennessee at Knoxville T. Phillips

Petitioner appeals the denial of his petition for a writ of habeas corpus filed pursuant to 28 USC Section 2254. (15 Minutes Per Side)

07-1514 Wood v. Vashbinder

Eastern District of Michigan at Detroit D. Lawson

Petitioner appeals the district court judgment denying his petition for a writ of habeas corpus filed under 28 USC Section 2254. (15 Minutes Per Side)

08-3053 Wasim Saqib v. Michael Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies withholding of removal and protection under the Convention Against Torture. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, January 13, 2009

403 - 4th Floor Courtroom, 1:30 P.M.

Before: **Merritt, Cole, Sutton**

07-6103 USA v. Christopher Buffington

Western District of Tennessee at Jackson J. Todd

Defendant appeals his jury conviction and sentence for unlawful transport of firearms. (15 Minutes Per Side)

08-5302 Robert Baar v. Jefferson County Board of Educ, et al.

Western District of Kentucky at Louisville J. Heyburn

Plaintiff appeals the summary judgment for defendants in this civil rights action arising from teacher disciplinary proceedings. (15 Minutes Per Side)

07-5657 USA v. Williams

Western District of Tennessee at Memphis S. Mays

Defendant appeals his jury conviction and sentence for attempting to interfere with commerce by extortion and bribery. (15 Minutes Per Side)

08-1406 American Council of Life Insur, et al. v. Ken Ross

Western District of Michigan at Grand Rapids R. Enslin

Plaintiffs appeal the summary judgment for defendants in this action challenging insurance regulations prohibiting policies containing a discretionary clause. (15 Minutes Per Side)

07-1864 Rivet v. State Farm Mutl Auto, et al.

Eastern District of Michigan at Detroit B. Friedman

In this diversity insurance contract/personal injury action tried to a jury, the counter-defendants appeal the final judgment and the denial of their motion for judgment as a matter of law and for a new trial. (15 Minutes Per Side)

08-3291 Adnan Bushati, et al. v. Michael Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that affirms the denial of asylum, withholding of removal, and protection under the Convention Against Torture. (15 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Wednesday, January 14, 2009

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Merritt, Cole, Sutton**

07-6136 Gerald Gresh v. Waste Services of America, Inc, et al.

Eastern District of Kentucky at Ashland H. Wilhoit

Plaintiff appeals the summary judgment in this diversity action for fraud and breach of duty of good faith and fair dealing. (15 Minutes Per Side)

07-4283 USA v. Theodore Somerset

Southern District of Ohio at Dayton W. Rice

Defendant appeals his conviction for two counts of telephone harassment. (15 Minutes Per Side)

08-5654 Byron Hash v. Commissioner of Social Security

Western District of Kentucky at Bowling Green E. Johnstone

Plaintiff appeals the judgment affirming the denial of his application for social security disability benefits. (15 Minutes Per Side)

07-5922 USA v. Delgadillo

Western District of Kentucky at Louisville C. Simpson

07-6217 USA v. Mario Compean

Western District of Kentucky at Louisville C. Simpson

Defendants appeal their jury convictions and sentences for conspiracy to possess with intent to distribute cocaine (both) and possession with intent to distribute cocaine (Compean). (10 Minutes for each Defendant; 20 Minutes for Plaintiff)

08-3306 Sumardi Sunarto v. Michael Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies reopening of immigration proceedings. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Wednesday, January 14, 2009

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Suhrheinrich, Gilman, White**

08-3512 Gary Plona v. UPS

Northern District of Ohio at Cleveland A. Aldrich

Plaintiff appeals the summary judgment for defendant and denial of his motion for discovery sanctions in this diversity action for wrongful termination from employment. (15 Minutes Per Side)

07-3373 Blalock v. Wilson

Northern District of Ohio at Cleveland S. Oliver

Petitioner appeals a district court order denying his petition for a writ of habeas corpus filed under 28 USC § 2254. (15 Minutes Per Side)

08-5701 Angela Montgomery v. Wyeth, et al.

Eastern District of Tennessee of Chattanooga C. Collier

Plaintiff appeals the summary judgment for defendants in this diversity products liability action. (15 Minutes Per Side)

07-6102 USA v. Charles Humes

Western District of Tennessee at Memphis B. Donald

Defendant appeals his jury conviction and sentence for being a felon in possession of a firearm. (15 Minutes Per Side)

08-3543 Lush Kolaj v. Michael Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that affirms, without opinion, the denial of asylum and other relief. (15 Minutes Per Side)

07-1419 Jones v. Trombley

Eastern District of Michigan at Detroit P. Borman

A Michigan prisoner appeals pro se from a district court judgment that dismissed his habeas corpus petition filed under 28 USC Section 2254. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Wednesday, January 14, 2009

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Norris, Batchelder, Rogers**

06-5907 USA v. Brown

Western District of Tennessee at Memphis S. Mays

Defendant appeals his conviction and sentence following his guilty plea to being a felon in possession of a firearm. (To Be Submitted On Briefs)

08-1189 William Delaney v. Dennis Rariden, et al.

Eastern District of Michigan at Detroit J. Feikens

In this civil rights action alleging an arrest without probable cause, plaintiff appeals the summary judgment for defendants and the denial of his motion for an extension of time to respond to the motion for summary judgment. (15 Minutes Per Side)

08-3063 USA v. Terry Johnson

Northern District of Ohio at Cleveland D. Polster

Defendant appeals his conviction and sentence following his guilty plea to possession with intent to distribute cocaine base, possession with intent to distribute cocaine and being a felon in possession of a firearm. (15 Minutes Per Side)

08-5371 Kirk Jenkins v. National Board of Medical Exam

Western District of Kentucky at Louisville J. Heyburn

Plaintiff appeals the order dismissing this ADA action by a medical student seeking extra time to complete a medical examination. (15 Minutes Per Side)

06-2650 Carter v. Wolfenbarger

Eastern District of Michigan at Detroit D. Hood

07-1221 Carter v. Wolfenbarger

Eastern District of Michigan at Detroit D. Hood

Respondent appeals a district court judgment conditionally granting petitioner a writ of habeas corpus under 28 USC Section 2254. (15 Minutes Per Side)

08-3293 Juan Martinez-Marroquin v. Michael Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA denying reopening of immigration proceedings in which an in absentia order of removal was entered. (15 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Thursday, January 15, 2009

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Kennedy, Cole, Gilman**

07-2103 Erica Betts, et al. v. Costco Wholesale Corporation

Eastern District of Michigan at Detroit J. Cook

07-2217 Erica Betts, et al. v. Costco Wholesale Corporation

Eastern District of Michigan at Detroit J. Cook

The parties appeal and cross-appeal from the judgment after a jury verdict in favor of some and against others of the plaintiffs in this diversity action based on a Michigan employment discrimination statute and Michigan common law. 28 USC Section 1332. (15 Minutes Per Side)

07-4108 USA v. Stephanie Woods

Southern District of Ohio at Dayton W. Rice

Defendant appeals the judgment of sentence entered on his guilty plea to conspiracy to commit money laundering and multiple counts of willful failure to file income tax returns. (15 Minutes Per Side)

08-3296 Hamdi Al Khalili v. Michael Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies his application for a withholding of removal. (15 Minutes Per Side)

06-4580 Moran v. LTV Steel Co

Northern District of Ohio at Cleveland C. Boyko

07-3530 Bricker v. Official Committee

Northern District of Ohio at Cleveland C. Boyko

07-3534 In Re: LTV Steel Co, et al.

Northern District of Ohio at Cleveland C. Boyko

07-3537 In re: LTV Steel Co

Northern District of Ohio at Cleveland C. Boyko

Appellants, former directors and officers of the bankrupt, appeal orders dismissing their appeals from a bankruptcy court order authorizing an Official Committee of Administrative Claimants to pursue claims against them. (15 Minutes to be Shared by Appellants; 15 Minutes to be Shared by Appellees)

08-5138 USA v. Malik Hawkins

Eastern District of Kentucky at Lexington J. Hood

Defendant appeals his conviction and sentence following his guilty plea to conspiracy to distribute cocaine base. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Thursday, January 15, 2009

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Merritt, Rogers, White**

07-2009 Niranjn Lal v. United States Life Insurance C

Western District of Michigan at Grand Rapids D. Lawson

07-2055 Niranjn Lal v. United States Life Insurance C

Western District of Michigan at Grand Rapids D. Lawson

In this action for breach of a disability insurance policy tried to the court, defendant appeals and the plaintiff cross-appeals from the final judgment. (15 Minutes Per Side)

06-4654 USA v. Angwin

Northern District of Ohio at Akron L. Wells

Defendant appeals the judgment of sentence entered on his guilty plea to coercion and enticement, aggravated sexual abuse, and travel with intent to engage in illicit sexual conduct. (15 Minutes Per Side)

08-5414 SunCoke Energy Inc. v. Man Ferrostaal Aktiengesellsc, et al.

Eastern District of Tennessee at Knoxville T. Varlan

Pursuant to Rule FRCP 54(b), plaintiff appeals the order dismissing this breach of contract action as to the defendant German company for lack of in personam jurisdiction. (15 Minutes Per Side)

07-3086 USA v. Haque

Northern District of Ohio at Cleveland D. Nugent

07-3087 USA v. Haque, et al.

Northern District of Ohio at Cleveland D. Nugent

07-3115 USA v. Rashid

Northern District of Ohio at Cleveland D. Nugent

These are direct criminal appeals from judgments of conviction and sentence for various federal offenses. (07-3086, 07-3087, To Be Submitted On Briefs; 07-3115, 15 Minutes Per Side)

08-3019 Hans Lindor v. Michael Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies his motion to reopen immigration proceedings. (To Be Submitted On Briefs)

07-1405 **Peterson v. Warren**

Eastern District of Michigan at Detroit N. Edmunds

Petitioner appeals a district court judgment denying his petition for a writ of habeas corpus filed under 28 USC Section 2254. (To Be Submitted On Briefs)

08-3511 **Ralph Swegan v. Buckeye Retirement Co.**

Northern District of Ohio at Youngstown K. Woods

Debtor appeals the decision of the bankruptcy appellate panel reversing a decision of the Bankruptcy Court granting him summary judgment in an action seeking to deny debtor a discharge in bankruptcy. (15 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Thursday, January 15, 2009

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Suhrheinrich, Batchelder, Sutton**

07-5430 USA v. Conner

Eastern District of Kentucky at Lexington K. Forester

Defendant appeals his jury conviction and sentence for bank robbery, armed bank robbery, and use and carrying of a firearm during and in relation to a crime of violence. (To Be Submitted On Briefs)

08-5088 Branch Banking and Trust Compa v. Robin Brock

Eastern District of Kentucky at Pikeville

Creditor Bank appeals a decision of the BAP reversing a ruling by the bankruptcy court which had found a lien not avoidable as a preferential transfer. (15 Minutes Per Side)

08-5118 USA v. Cornelius Easley

Western District of Tennessee at Memphis J. McCalla

Defendant appeals his conviction and sentence following his guilty plea to possession with intent to distribute cocaine base, hydrocodone and marijuana. (To Be Submitted On Briefs)

07-2477 Norman Choate v. National Railroad Passenger Co

Eastern District of Michigan at Detroit A. Cohn

Plaintiff appeals the summary judgment for defendant in this employment discrimination action. (To Be Submitted On Briefs)

08-3526 Maria Fernandez-Marin v. Michael Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that reversed the immigration judge's grant of withholding of removal. (To Be Submitted On Briefs)

07-1166 Inglesias v. Davis

Western District of Michigan at Marquette R. Bell

Petitioner appeals the dismissal of his habeas corpus petition as barred by the one-year statute of limitations. 28 USC Section 2254. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Friday, January 16, 2009

403 - 4th Floor Courtroom, 8:30 A.M.

Before: **Kennedy, Cole, Gilman**

07-2546 Sammy Terrell v. USA

Eastern District of Michigan at Detroit D. Hood

The government appeals from the district court's grant of this federal prisoner's petition for a writ of habeas corpus. 28 USC § 2241. (15 Minutes Per Side)

07-5202 USA v. Keith

Eastern District of Kentucky at Covington D. Bunning

Defendant appeals his conviction and sentence following his guilty plea to possession of a firearm by a convicted felon, possession with intent to distribute crack cocaine and possession of a firearm in furtherance of drug trafficking activity. (15 Minutes Per Side)

08-5180 Darryl Jones, et al. v. City of Franklin

Middle District of Tennessee at Nashville R. Echols

Plaintiffs appeal the summary judgment for defendants in this Title VII action for race discrimination. (15 Minutes Per Side)

07-1051 Jones, et al. v. Blige, et al.

Eastern District of Michigan at Ann Arbor M. Battani

Plaintiffs appeal the summary judgment for defendants in this copyright infringement action. (15 Minutes Per Side)

07-1566 Jones, et al. v. Blige, et al.

Eastern District of Michigan at Ann Arbor M. Battani

In this copyright infringement action, defendants appeal the post-judgment denial of attorney fees. (15 Minutes Per Side)

08-3500 Mamoudou Diakite v. Michael Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies his request for withholding of removal and voluntary departure. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Friday, January 16, 2009

607 - 6th Floor West Courtroom, 8:30 A.M.

Before: **Merritt, Rogers, White**

07-4472 USA v. Clennie Manning

Southern District of Ohio at Dayton W. Rice

Defendant appeals the revocation of his term of supervised release and the resulting sentence. (15 Minutes Per Side)

07-4062 USA v. Dennis Lay

Northern District of Ohio at Cleveland J. Adams

Defendant appeals the judgment of sentence entered on his guilty plea to travel with intent to engage in illicit sexual conduct. (15 Minutes Per Side)

08-1483 Juliet Murphy v. National City Bank

Eastern District of Michigan at Detroit J. Feikens

Plaintiff appeals the dismissal of this diversity class action challenging the bank's policy of charging non-accountholder customers a fee to cash official checks. (15 Minutes Per Side)

07-5104 USA v. Rainer

Western District of Tennessee at Memphis B. Donald

Defendant appeals his conviction and sentence following his guilty plea to conspiracy to commit identity theft and wire fraud. (15 Minutes Per Side)

07-6439 Margaret Mmbaga v. Tennessee State University

Middle District of Tennessee at Nashville R. Echols

Plaintiff appeals the summary judgment for defendant in this Title VII action for employment discrimination and harassment based upon race, sex, and national origin. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Friday, January 16, 2009

636 - 6th Floor East Courtroom, 8:00 A.M.

Before: **Suhrheinrich, Batchelder, Sutton**

08-1185 USA v. Miklos Kontrol

Western District of Michigan at Kalamazoo P. Maloney

Defendant appeals the judgment revoking his term of supervised release. (15 Minutes Per Side)

08-5754 Sheila Holt-Orsted, et al. v. City of Dickson, et al.

Middle District of Tennessee at Nashville W. Haynes

Defendant Trust appeals the order in this personal injury action enjoining its pursuit of certian relief in a bankruptcy action pending in another district. (15 Minutes Per Side)

08-5034 USA v. Travis Stewart

Middle District of Tennessee at Nashville R. Echols

Defendant appeals his conviction and sentence following his guilty plea to possession of a firearm by a convicted felon. (15 Minutes Per Side)

08-1271 Joint Administrative Committee, et al. v. Washington Group International

Eastern District of Michigan at Detroit J. Cook

In this ERISA action seeking contributors to a benefit fund, plaintiffs appeal the summary judgment for defendant. (15 Minutes Per Side)

07-4360 Minhduc Callin v. Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA affirming the denial of a motion to reopen and to rescind an order of removal entered in absentia. (15 Minutes Per Side)

08-5417 Gail Gower v. Grundy County, Tennessee, et al.

Eastern District of Tennessee at Winchester H. Mattice

Plaintiff appeals the summary judgment for defendant in this civil rights action alleging sex discrimination in employment. (To Be Submitted On Briefs)