

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, April 27, 2021

Video Argument, 9:00 A.M.

Before: **Clay, Sutton, McKeague**

20-5773 River City Fraternal Order, et al. v. Kentucky Retirement Systems

[3:17-cv-00102](#)

Eastern District of Kentucky at Frankfort

W. Bertelsman

20-5778 River City Fraternal Order, et al. v. Kentucky Retirement Systems

[3:17-cv-00102](#)

Eastern District of Kentucky at Frankfort

W. Bertelsman

In this breach of contract action, defendant appeals the judgment and plaintiffs cross-appeal the judgment and the permanent injunction finding that defendant wrongly cancelled or threatened to cancel plaintiffs' health insurance and awarding damages. (15 Minutes Per Side)

20-1870 Marvin Gerber, et al. v. Henry Herskovitz, et al.

[2:19-cv-13726](#)

Eastern District of Michigan at Detroit

V. Roberts

Plaintiffs appeal the district court's order granting defendants' motions to dismiss this civil rights suit alleging that protests outside a Jewish synagogue violate plaintiffs' First Amendment Rights. (15 Minutes for Plaintiffs; 15 Minutes to be Shared by Defendants)

20-1826 Carhartt, Inc. v. Innovative Textiles, Inc., et al.

[5:17-cv-13604](#)

Eastern District of Michigan at Ann Arbor

J. Levy

Plaintiff appeals the district court's judgment in favor of defendants in this diversity action alleging breach of contract, breach of warranty, fraud, misrepresentation, negligence, and false advertising. (15 Minutes Per Side)

20-3912 USA v. Jason Jarvis

[1:94-cr-00068-4](#)

Northern District of Ohio at Cleveland

C. Boyko

Defendant appeals the denial of his motion for compassionate release. (To Be Submitted On Briefs)

20-5352 USA v. Kerry Howard

[5:06-cr-00028-1](#)

Eastern District of Kentucky at Lexington

J. Hood

Defendant appeals the denial of his motion for reduction of sentence under the First Step Act. (To Be Submitted On Briefs)

20-3284 Marlon Abarca-Fuentes v. Merrick Garland

a 206 765 189

Board of Immigration Appeals

Petitioner seeks review of a BIA order dismissing her appeal from an immigration judge's decision denying her applications for asylum, withholding of removal, and protection under the Convention Against Torture. (To Be Submitted On Briefs)

Tuesday, April 27, 2021

Video Argument, 9:00 A.M.

Before: **Suhrheinrich, Griffin, Donald**

20-5928 Jacob Clark, et al. v. Bernadette Stone, et al.[4:19-cv-00166](#)

Western District of Kentucky at Owensboro

J. McKinley

In this civil rights action alleging various constitutional violations arising from an investigation into plaintiffs' suspected abuse of their children, plaintiffs appeal the dismissal of their official capacity claims and the judgment for defendants. (15 Minutes Per Side)

20-3977 Denece Thomas v. Toms King (Ohio), LLC, et al.[1:19-cv-01419](#)

Northern District of Ohio at Cleveland

C. Boyko

Plaintiff appeals the district court's order granting defendants' Federal Rule of Civil Procedure 12(b)(1) motion to dismiss for lack of subject matter jurisdiction her putative class action filed under the Fair and Accurate Credit Transactions Act, 15 U.S.C. Section 1681c(g). (15 Minutes Per Side)

20-6016 Salem Pointe Capital, LLC v. BEP Rarity Bay, LLC, et al.[3:18-cv-00443](#)

Eastern District of Tennessee at Knoxville

P. Reeves

Plaintiff appeals the judgment, the denial of intervention to a third party, and other pre-judgment orders in this diversity action for collection of membership dues and enforcement of liens. (15 Minutes for the Appellant; 15 Minutes to be Shared by Appellees)

20-6118 Wendi Thomas v. City of Memphis, TN, et al.[2:20-cv-02343](#)

Western District of Tennessee at Memphis

J. Fowlkes

Plaintiff appeals the dismissal as moot of her action alleging various claims arising from defendants' refusal to include her email address on an advisory list which alerts members of the press about events throughout the city of Memphis. (15 Minutes Per Side)

20-3916 Abdalsalam Omran v. Merrick Garland

a 209 374 450

Board of Immigration Appeals

Petitioner seeks review of a BIA order dismissing his appeal from an immigration judge's decision denying his motion to reopen and rescind a removal order entered in absentia. (To Be Submitted On Briefs)

Tuesday, April 27, 2021

Video Argument, 9:00 A.M.

Before: **Siler, Thapar, Murphy**

20-6226 Donald Phillips v. Shastine Tangilag, et al.[5:16-cv-00088](#)

Western District of Kentucky at Paducah

T. Russell

Plaintiff appeals the grant of summary judgment to defendant in this prisoner civil rights action alleging deliberate indifference to his serious medical needs. (15 Minutes for Plaintiff; 15 Minutes to be Shared by Defendants)

20-3821 DonnaMarie Kaminsky v. Robert Wilkie[5:19-cv-00020](#)

Northern District of Ohio at Akron

S. Lioi

Plaintiff appeals the district court's summary judgment for the defendant in this action asserting claims under the Rehabilitation Act of 1973 and the ADEA. (To Be Submitted On Briefs)

20-5845 Terri Peterson v. West TN Expediting, Inc.[1:18-cv-01164](#)

Western District of Tennessee at Jackson

S. Anderson

Defendant appeals the judgment and the denial of its motion for new trial in this Title VII action alleging hostile work environment and retaliation. (To Be Submitted On Briefs)

20-4254 USA v. Sheldon Hill[5:14-cr-00195-1](#)

Northern District of Ohio at Akron

D. Nugent

Defendant appeals the denial of his motion for compassionate release and the denial of his motion for reconsideration. (To Be Submitted On Briefs)

20-1784 Assn of Amer Phys & Surgeons v. FDA, et al.[1:20-cv-00493](#)

Western District of Michigan at Grand Rapids

R. Jonker

Plaintiffs appeal the district court's judgment dismissing for lack of standing this civil suit seeking immediate access to strategic reserves of hydroxychloroquine. (To Be Submitted On Briefs)

Tuesday, April 27, 2021

Video Argument, 2:00 P.M.

Before: **Cole, Moore, Gilman**

20-5902 Carl Ward v. Natl Patient Account Svcs, Inc[3:19-cv-00484](#)

Middle District of Tennessee at Nashville

A. Trauger

Plaintiff appeals the summary judgment for defendant in this action brought under the Fair Debt Collection Practices Act. (15 Minutes Per Side)

20-1804 Dawn Hughey v. Anthony Easlick[5:19-cv-10368](#)

Eastern District of Michigan at Ann Arbor

J. Levy

Plaintiff appeals the district court's judgment dismissing her excessive force and deliberate indifference claims related to a shoulder injury sustained while she was handcuffed. (15 Minutes Per Side)

20-1607 USA v. Sirshun Burris[1:19-cr-00272-2](#)

Western District of Michigan at Grand Rapids

R. Jonker

Defendant appeals his judgment in a criminal case, following a jury trial, for conspiracy to distribute and to possess with intent to distribute methamphetamine, distribution of methamphetamine, possession with intent to distribute methamphetamine, and felon in possession of a firearm. (15 Minutes Per Side)

20-5175 USA v. Jorge Vargas-Ruiz[3:18-cr-00127-1](#)

Western District of Kentucky at Louisville

D. Hale

Defendant appeals his judgment in a criminal case, following a guilty plea, for conspiracy to possess with intent to distribute methamphetamine. (To Be Submitted On Briefs)

20-1797 Judith Hizer v. Comm of Social Security[1:19-cv-00325](#)

Western District of Michigan at Grand Rapids

J. Neff

Plaintiff appeals the district court's order and judgment affirming the Social Security Commissioner's decision denying disability benefits. (To Be Submitted On Briefs)

Wednesday, April 28, 2021

Video Argument, 9:00 A.M.

Before: **Suhrheinrich, Griffin, Donald**

18-2268 USA v. Michael Rich		
2:11-cr-20129-14	Eastern District of Michigan at Detroit	R. Cleland
18-2269 USA v. Michael Rich		
2:11-cr-20066-8	Eastern District of Michigan at Detroit	R. Cleland
18-2323 USA v. Cary Vandiver		
2:11-cr-20129-7	Eastern District of Michigan at Detroit	R. Cleland
18-2324 USA v. Cary Vandiver		
2:11-cr-20066-5	Eastern District of Michigan at Detroit	R. Cleland
18-2342 USA v. Patrick McKeoun		
2:11-cr-20129-4	Eastern District of Michigan at Detroit	R. Cleland
18-2364 USA v. Jeff Smith		
2:11-cr-20129-5	Eastern District of Michigan at Detroit	R. Cleland
18-2365 USA v. Jeff Smith		
2:11-cr-20066-1	Eastern District of Michigan at Detroit	R. Cleland
18-2401 USA v. David Drozdowski		
2:11-cr-20129-17	Eastern District of Michigan at Detroit	R. Cleland
18-2407 USA v. Paul Darrah		
2:11-cr-20066-2	Eastern District of Michigan at Detroit	R. Cleland
18-2408 USA v. Paul Darrah		
2:11-cr-20129-6	Eastern District of Michigan at Detroit	R. Cleland
18-2410 USA v. Vincent Witort		
2:11-cr-20129-8	Eastern District of Michigan at Detroit	R. Cleland
19-1028 USA v. Victor Castano		
2:11-cr-20129-12	Eastern District of Michigan at Detroit	R. Cleland
19-1029 USA v. Victor Castano		
2:11-cr-20066-6	Eastern District of Michigan at Detroit	R. Cleland

In these consolidated appeals, defendants challenge their convictions for conspiracies and related predicate offenses involving racketeering, subornation of perjury and/or obstruction of justice, controlled substances, firearms, assault, and conducting an illegal gambling business. (60 Minutes to be Shared by Defendants; 60 Minutes for Plaintiff)

Wednesday, April 28, 2021

Video Argument, 1:30 P.M.

Before: **Siler, Clay, Donald**

18-3761 August Cassano v. Tim Shoop

1:03-cv-01206

Northern District of Ohio at Cleveland

J. Adams

Petitioner appeals the district court's judgment denying his amended petition for a writ of habeas corpus in this death penalty case. (30 Minutes Per Side)

Thursday, April 29, 2021

Video Argument, 10:00 A.M.

Before: **Daughtrey, Moore, Thapar**

20-6080 Billy Tester v. Walmart, Inc., et al.

[2:19-cv-00104](#)

Eastern District of Tennessee at Greeneville

C. Corker

Plaintiff appeals the judgment for defendant in this diversity action for negligence following his fall on defendant's property. (15 Minutes Per Side)

20-1246 Kelly Rhodes v. State of Michigan, et al.

[2:17-cv-12416](#)

Eastern District of Michigan at Detroit

T. Berg

Plaintiff appeals the grant of summary judgment for defendants in this prisoner civil rights action. (15 Minutes Per Side)

20-5969 Memphis Ctr for Repro Health, et al. v. Herbert Slatery, III, et al.

[3:20-cv-00501](#)

Middle District of Tennessee at Nashville

W. Campbell

Defendants appeal the district court's order preliminarily enjoining abortion restrictions codified at Tennessee Code Annotated Sections 39-15-216 and 39-15-217 pending the adjudication of plaintiffs' facial challenge to these statutes on constitutional grounds. (15 Minutes Per Side)

20-2139 USA v. Ian Owens

[1:02-cr-00226-1](#)

Western District of Michigan at Grand Rapids

P. Maloney

Defendant appeals the denial of his motion for compassionate release. (To Be Submitted On Briefs)

Thursday, April 29, 2021

Video Argument, 9:00 A.M.

Before: **Cole, Clay, Griffin**

20-1479 S2 Yachts, Inc. v. ERH Marine Corp.[1:18-cv-00389](#)

Western District of Michigan at Grand Rapids

R. Jonker

Defendant appeals, pursuant to the district court's Rule 54(b) certification, the partial judgment in plaintiff's favor in this diversity contract dispute. (15 Minutes Per Side)

20-5869 USA v. Dale Emmons[5:18-cr-00106-2](#)

Eastern District of Kentucky at Lexington

G. Van Tatenhove

20-5890 USA v. Gerald Lundergan[5:18-cr-00106-1](#)

Eastern District of Kentucky at Lexington

G. Van Tatenhove

Defendants appeal their judgments in a criminal case for conspiracy to commit offenses against the United States, unlawful campaign contributions of \$25,000 or more, aiding and abetting false statements, and/or falsification of a record or document. (10 Minutes for Each Defendant; 20 Minutes for Plaintiff)

20-1910 Juannelious Murray, Sr. v. Safir Law P.L.C.[2:19-cv-12613](#)

Eastern District of Michigan at Detroit

P. Borman

Debtor appeals the district court's judgment affirming the bankruptcy court's order dismissing his Chapter 13 adversary proceeding. (15 Minutes Per Side)

20-6006 Estate of Beunos Lee Erwin v. Greene County, TN, et al.[2:18-cv-00161](#)

Eastern District of Tennessee at Greeneville

C. Corker

Plaintiff, an estate, appeals the judgment for defendants in this civil rights action alleging excessive force and related claims arising from officers use of a taser on the decedent to subdue her. (15 Minutes Per Side)

20-3879 Marie Moderwell v. Cuyahoga County, OH, et al.[1:19-cv-00613](#)

Northern District of Ohio at Cleveland

C. Boyko

Defendants appeal the denial of qualified immunity in this prisoner civil rights action. (To Be Submitted On Briefs)

20-5774 Global Fitness Holdings, LLC v. Navigators Management Company, et al.[3:19-cv-00077](#)

Eastern District of Kentucky at Frankfort

G. Van Tatenhove

Plaintiff appeals the judgment for defendants in this diversity action for breach of contract arising from an insurance coverage dispute. (To Be Submitted On Briefs)

20-3634 Aniceto Vega-Gutierrez v. Merrick Garland

a 205 211 944

Board of Immigration Appeals

Petitioner seeks review of a BIA order affirming, without opinion, the result of the decision below. (To Be Submitted On Briefs)

Thursday, April 29, 2021

Video Argument, 1:30 P.M.

Before: **Suhrheinrich, Siler, Sutton**

20-4051 Alana Harrison v. Montgomery County, OH[3:19-cv-00288](#)

Southern District of Ohio at Dayton

T. Rose

Plaintiffs, a putative class of individuals who failed to pay property tax, appeal from the district court's order granting defendant county's motion to dismiss this class action alleging that the county's property tax forfeiture procedure amounts to an unconstitutional taking. (15 Minutes to be Shared by Plaintiff and Amicus Pacific Legal Foundation; 15 Minutes for Defendant; 20 Minutes for Interested Party Ohio Attorney General)

20-6014 Springstone, Inc. v. Hiscox Insurance Company, Inc.[3:19-cv-00821](#)

Western District of Kentucky at Louisville

C. Boom

Plaintiff appeals the dismissal for failure to state a claim of its diversity action for breach of contract and related claims. (15 Minutes Per Side)

20-1406 Joshua Simons v. Heidi Washington, et al.[1:20-cv-00170](#)

Western District of Michigan at Grand Rapids

J. Neff

Plaintiff appeals the dismissal of his prisoner civil rights complaint brought pursuant to 42 U.S.C. Section 1983. (15 Minutes Per Side)

Thursday, April 29, 2021

Video Argument, 1:30 P.M.

Before: **Guy, Donald, Murphy**

20-3620 Sean DeCrane v. Edward Eckart, et al.[1:16-cv-02647](#)

Northern District of Ohio at Cleveland

C. Boyko

Defendants appeal the district court's order denying summary judgment on qualified immunity grounds as to plaintiff's claim for First Amendment retaliation. (15 Minutes Per Side)

20-5284 USA v. Mark Gould[1:19-cr-00039-1](#)

Eastern District of Tennessee of Chattanooga

C. Collier

Defendant appeals his judgment in a criminal case, following a guilty plea, for knowing use of a facility or means of interstate commerce to attempt to persuade, induct, entice, or coerce an individual who has not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense. (15 Minutes Per Side)

20-1705 Katrina Woodall, et al. v. Wayne County, MI, et al.[2:17-cv-13707](#)

Eastern District of Michigan at Detroit

A. Tarnow

Defendant county appeals the district court's interlocutory order certifying a class of current and former inmates of the Wayne County Jail in this civil rights action challenging the constitutionality of strip searches. (15 Minutes Per Side)

20-5564 USA v. Michael Williams[2:19-cr-00060-1](#)

Eastern District of Kentucky at Covington

D. Bunning

Defendant appeals his judgment in a criminal case, following a guilty plea, for conspiracy to distribute methamphetamine and distribution of a controlled substance (methamphetamine). (To Be Submitted On Briefs)

20-4113 Nanika Wilkerson v. American Family Insurance Co[1:19-cv-02425](#)

Northern District of Ohio at Cleveland

C. Boyko

In this diversity class action asserting breach of contract, plaintiff appeals the district court's judgment dismissing her complaint for failure to state a claim upon which relief may be granted. (To Be Submitted On Briefs)

20-1348 Christopher Pillow v. DeWayne Burton[2:19-cv-12432](#)

Eastern District of Michigan at Detroit

S. Cox

Petitioner appeals the denial of his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. Section 2254. (To Be Submitted On Briefs)

20-3617 Evodio Rodriguez-Salas v. Merrick Garland

a 205 574 461

Board of Immigration Appeals

Petitioner seeks review of a BIA order dismissing his appeal from an immigration judge's decision denying his application for cancellation of removal. (To Be Submitted On Briefs)