

# **Oral Argument Calendar**

## **United States Court of Appeals for the Sixth Circuit**

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Tuesday, April 30, 2024

Courtroom 3D - Nashville, TN, 9:00 A.M.

Before: **Sutton, Griffin, Readler**

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**22-5046 USA v. Alim Turner**

**3:19-cr-00151-1** Eastern District of Tennessee at Knoxville

T. Varlan

**22-5107 USA v. Ronald Turner**

**3:19-cr-00151-3** Eastern District of Tennessee at Knoxville

T. Varlan

**22-5131 USA v. Kedaris Gilmore**

**3:19-cr-00151-4** Eastern District of Tennessee at Knoxville

T. Varlan

**22-5599 USA v. Mahlon Prater, Jr.**

**3:19-cr-00151-7** Eastern District of Tennessee at Knoxville

T. Varlan

**22-5681 USA v. Ushery Stewart**

**3:19-cr-00151-2** Eastern District of Tennessee at Knoxville

T. Varlan

**22-6056 USA v. Demetrius Bibbs**

**3:19-cr-00151-9** Eastern District of Tennessee at Knoxville

T. Varlan

In these consolidated appeals, defendants challenge their judgments in a criminal case for controlled substance offenses, money laundering offenses, and/or firearms offenses. (60 Minutes to be Shared by Defendants; 60 Minutes for Plaintiff)

Tuesday, April 30, 2024

Courtroom 5D - Nashville, TN, 9:30 A.M.

Before: **Gibbons, Bush, Larsen****23-1335 NLRB v. McLaren Macomb**

07-ca-263041 National Labor Relations Board

**23-1403 NLRB v. McLaren Macomb**

07-ca-263041 National Labor Relations Board

In these related matters, NLRB petitions for enforcement and respondent employer cross-petitions for review of the Board's order and decision finding that severance agreements offered to permanently furloughed employees unlawfully restricted them from making disparaging statements. (12 Minutes for Petitioner Cross-Respondent; 3 Minutes for Intervenor; 15 Minutes for Respondent Cross-Petitioner)

**23-5713 Jessica Childers v. Casey Co, KY School District, et al.**

1:21-cv-00138 Western District of Kentucky at Bowling Green G. Stivers

Plaintiff appeals the judgment for defendants in this action alleging claims of discrimination, retaliation, hostile work environment, gross negligence, and outrageous conduct under Title IX and Kentucky law arising from plaintiff's accommodation request for expressing breast milk. (15 Minutes Per Side)

**23-5821 USA v. Deandre Swain**

3:22-cr-00115-1 Western District of Kentucky at Louisville D. Hale

**23-5837 USA v. Tajuan McDowell**

3:19-cr-00014-2 Western District of Kentucky at Louisville R. Jennings

In these consolidated matters, putative intervenors appeal the denial of their motions to intervene in criminal prosecutions for the limited purpose of obtaining access to sealed court records. (15 Minutes Per Side)

**22-3263 USA v. Corey Goings**

3:19-cr-00294-7 Northern District of Ohio at Toledo J. Carr

Defendant appeals the district court's judgment following his guilty plea to possession with the intent to distribute a controlled substance. (To Be Submitted On Briefs)

Tuesday, April 30, 2024

Courtroom 6D - Nashville, TN, 9:00 A.M.

Before: **White, Stranch, Davis**

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**23-1270 Louis Chandler v. Mike Brown****2:19-cv-00263**

Western District of Michigan at Marquette

P. Maloney

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

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**22-6094 USA v. Maurice Burks****3:17-cr-00124-2**

Middle District of Tennessee at Nashville

W. Crenshaw

**22-6101 USA v. Brandon Hardison****3:17-cr-00124-3**

Middle District of Tennessee at Nashville

W. Crenshaw

**22-6102 USA v. Elance Lucas****3:17-cr-00124-6**

Middle District of Tennessee at Nashville

W. Crenshaw

In these appeals, defendants challenge their criminal judgments for conspiracy to participate in racketeering activity, conspiracy to distribute and possess with intent to distribute various controlled substances, murder in aid of racketeering, assault resulting in serious bodily injury in aid of racketeering, and/or using, carrying, brandishing, and discharging a firearm resulting in death. (10 Minutes for each Defendant; 30 Minutes for Plaintiff)

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**22-5749 USA v. Kent Booher****3:19-cr-00161-1**

Eastern District of Tennessee at Knoxville

T. Varlan

Defendant appeals his judgment in a criminal case, following a jury trial, for enticement of a minor, felony sexual offense against a minor while on sex offender registry, sex trafficking of a child, and attempted production of child pornography. (15 Minutes Per Side)

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**23-5108 USA v. Kent Booher****3:19-cr-00161-1**

Eastern District of Tennessee at Knoxville

T. Varlan

Defendant appeals a district court order of restitution for the victim following his conviction by a jury for enticement of a minor and felony sexual offense against a minor while on sex offender registry. (To Be Submitted On Briefs)

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Wednesday, May 1, 2024

Courtroom 3D - Nashville, TN, 9:00 A.M.

Before: **Sutton, Griffin, Readler**

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**22-1835 Kevin Koelzer v. Aaron Westrick, et al.**[1:19-cv-00618](#)

Western District of Michigan at Grand Rapids

P. Maloney

Police defendants appeal from the district court's order denying in part their motion to dismiss based on qualified immunity in this civil rights suit alleging wrongful arrest, excessive force, and other claims. (15 Minutes Per Side)

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**23-3099 USA v. Lana Johnson**[1:21-cr-00620-2](#)

Northern District of Ohio at Cleveland

D. Nugent

Defendant appeals the district court's judgment following her guilty plea to conspiracy to possess with intent to distribute methamphetamine and possession with intent to distribute methamphetamine. (15 Minutes Per Side)

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**23-1711 Timothy Hall v. Blake Navarre, et al.**[2:21-cv-12970](#)

Eastern District of Michigan at Detroit

L. Michelson

**23-1713 Timothy Hall v. Blake Navarre, et al.**[2:21-cv-12970](#)

Eastern District of Michigan at Detroit

L. Michelson

In these consolidated appeals, plaintiff and one police defendant independently appeal the district court's order granting in part defendant's motion for summary judgment based on qualified immunity in this civil rights suit alleging violations of the First and Fourth Amendments in the handling of protests against police brutality following the death of George Floyd. (15 Minutes Per Side)

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**23-3852 Claudia Perez v. Merrick Garland**

a 208 871 572

Board of Immigration Appeals

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

Wednesday, May 1, 2024

Courtroom 5C - Nashville, TN, 9:00 A.M.

Before: **Cole, Clay, Thapar**

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**23-1752 Higuchi International Corp, et al. v. Autoliv ASP, Inc.**[2:23-cv-11869](#)

Eastern District of Michigan at Detroit

P. Borman

Plaintiff auto parts manufacturers appeal the district court's preliminary injunction requiring them to continue providing defendant with components for the price listed in the agreement at the heart of this diversity contract dispute. (15 Minutes Per Side)

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**23-3560 Evelio Lafita v. Merrick Garland**

a 047 064 756

Board of Immigration Appeals

Petitioner, a native and citizen of Cuba, seeks review of a BIA order denying his motion to remand and dismissing his appeal from an immigration judge's decision denying his motion to reopen. (15 Minutes Per Side)

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**22-2032 USA v. Brian Darden-Mosby**[1:20-cr-00190-1](#)

Western District of Michigan at Grand Rapids

J. Beckering

Defendant appeals from the district court's judgment in his criminal case after he was found guilty of two drug crimes. (15 Minutes Per Side)

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**23-1653 Nathan Crandall v. Newaygo County, MI, et al.**[1:22-cv-01193](#)

Western District of Michigan at Grand Rapids

H. Jarbou

Plaintiff appeals the district court's order dismissing his civil rights suit alleging violations of the Fourth and Fourteenth Amendments when defendants destroyed two pit bulls that he co-owned. (To Be Submitted On Briefs)

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**23-3604 David Smith v. Cynthia Davis**[5:20-cv-00438](#)

Northern District of Ohio at Akron

J. Calabrese

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

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**23-5684 USA v. Erich Storck**[5:22-cr-00047-1](#)

Eastern District of Kentucky at Lexington

D. Reeves

Defendant appeals his judgment in a criminal case, following a jury trial, for possession of a firearm or ammunition by a convicted felon and possession of marijuana. (To Be Submitted On Briefs)

Wednesday, May 1, 2024

Courtroom 5D - Nashville, TN, 9:30 A.M.

Before: **Gibbons, Bush, Larsen**

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**23-1285 Eric Brown, et al. v. City of Wyoming, MI, et al.**

**1:21-cv-00855**

Western District of Michigan at Grand Rapids

H. Jarbou

Plaintiffs appeal the district court's summary judgment in favor of officer and municipal defendants in this civil rights suit alleging violations of the Fourth and Fourteenth Amendments in the course of their arrest. (15 Minutes Per Side)

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**23-1717 Joy Sampson v. Flex N Gate Nine Mile, LLC, et al.**

**2:22-cv-10879**

Eastern District of Michigan at Detroit

G. Steeh

Plaintiff employee appeals the district court's summary judgment for employer defendant in this civil rights suit alleging that plaintiff's termination was the result of sex discrimination and retaliation and violated the ADA and FMLA. (To Be Submitted On Briefs)

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**23-5780 Winston Merrell v. City of Harriman, TN, et al.**

**3:21-cv-00338**

Eastern District of Tennessee at Knoxville

T. Varlan

Plaintiff appeals the judgment for defendants in this civil rights action alleging violation of the Fourteenth Amendment and related state law claims arising from the death of an individual after he was taken into custody. (To Be Submitted On Briefs)

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**22-3036 Thabet Saleh v. Merrick Garland**

**a 212 335 365**

Board of Immigration Appeals

Petitioner, a native and citizen of Iraq, seeks review of a BIA order dismissing his appeal from an immigration judge's decision denying his application for deferral of removal under the Convention Against Torture. (To Be Submitted On Briefs)

Wednesday, May 1, 2024

Courtroom 6D - Nashville, TN, 9:00 A.M.

Before: **White, Stranch, Davis**

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**23-5890 Laurie DeVore v. UK Board of Trustees**

**5:22-cv-00186**

Eastern District of Kentucky at Lexington

G. Van Tatenhove

Plaintiff appeals the judgment for defendant in this action alleging violations of Title VII and analog state law arising from her failure to comply with defendant's policies related to controlling the transmission of COVID-19. (15 Minutes Per Side)

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**23-1834 Carla Campbell-Jackson v. State Farm Insurance**

**1:21-cv-01044**

Western District of Michigan at Grand Rapids

H. Jarbou

Plaintiff employee appeals the district court's summary judgment in favor of defendant employer in this civil rights suit alleging First Amendment retaliation after she reported a racially hostile work environment. (15 Minutes Per Side)

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**21-3528 Sara Rios-Zamora, et al. v. Merrick Garland**

**a 206 645 724**

Board of Immigration Appeals

Petitioners seek review of a BIA order denying their motion to reopen. (To Be Submitted On Briefs)

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**23-3657 USA v. Damarcus Brown**

**5:21-cr-00522-1**

Northern District of Ohio at Akron

D. Polster

Following entry of judgment after he pleaded guilty to controlled substance and firearms offenses, defendant appeals the district court's order denying his motion to suppress. (To Be Submitted On Briefs)

Thursday, May 2, 2024

Courtroom 3D - Nashville, TN, 9:00 A.M.

Before: **Sutton, White, Thapar**

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**23-5669 Kayla Gore, et al. v. William Lee, et al.****3:19-cv-00328**

Middle District of Tennessee at Nashville

E. Richardson

Plaintiffs appeal the dismissal of their action challenging, on constitutional grounds, the State of Tennessee's policy prohibiting transgender individuals from changing the sex designation on their birth certificates. (15 Minutes Per Side)

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**23-3889 Kristin Kinney v. Comm of Social Security****3:22-cv-01125**

Northern District of Ohio at Toledo

J. Knepp

Plaintiff appeals the district court's judgment affirming defendant Social Security Commissioner's decision denying Social Security benefits. (15 Minutes Per Side)

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**23-1573 Conlan Abu, et al. v. Stanley Dickson, et al.****2:20-cv-10747**

Eastern District of Michigan at Detroit

L. Parker

Plaintiffs appeal the district court's order granting defendants summary judgment in this suit alleging unauthorized retrieval of email communications in violation of the Computer Fraud and Abuse Act and the Stored Communications Act. (15 Minutes Per Side)

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**23-1585 USA v. Tommy Kirtdoll****1:22-cr-00064-1**

Western District of Michigan at Grand Rapids

J. Beckering

Defendant appeals the district court's judgment in his criminal case after pleading guilty to methamphetamine possession with intent to distribute. (To Be Submitted On Briefs)

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**23-3717 Maryury Tarazona-Quintero, et al. v. Merrick Garland****a 220 471 250**

Board of Immigration Appeals

Petitioners seek review of a BIA order dismissing their appeal from an immigration judge's decision denying their application for asylum and granting withholding of removal to Venezuela. (To Be Submitted On Briefs)

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**23-3344 Prof Invest & Cons Agency, Inc v. SOS Security, LLC, et al.****2:19-cv-03304**

Southern District of Ohio at Columbus

A. Marbley

Plaintiff appeals from the district court's grant of summary judgment in defendant's favor on plaintiff's remaining claims alleging breach of contract, violations of the Ohio Uniform Trade Secret Act, and related state law claims. (To Be Submitted On Briefs)



Thursday, May 2, 2024

Courtroom 5C - Nashville, TN, 9:00 A.M.

Before: **Siler, Clay, Griffin**

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**23-5700 Christie Andrews v. Tri Star Sports & Ent Group**

**3:21-cv-00526**

Middle District of Tennessee at Nashville

E. Richardson

Plaintiff appeals the judgment for defendant in this action alleging discrimination in violation of the Americans with Disabilities Act. (15 Minutes Per Side)

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**23-1528 Joseph Fortin v. Comm of Social Security**

**2:22-cv-12593**

Eastern District of Michigan at Detroit

C. Ivy

Plaintiff appeals the district court's judgment affirming the denial of his applications for social security benefits. (15 Minutes Per Side)

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**23-5880 Avantax Wealth Management, Inc v. RHP Hotels, LLC, et al.**

**3:21-cv-00810**

Middle District of Tennessee at Nashville

W. Campbell

Defendant appeals the judgment for plaintiff in this diversity action for breach of contract arising from termination of an event contract following restrictions imposed by the government related to the COVID-19 pandemic. (15 Minutes Per Side)

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**23-1448 Clifton Smith v. City of Detroit, MI, et al.**

**2:23-cv-10217**

Eastern District of Michigan at Detroit

G. Steeh

Plaintiff appeals the district court's dismissal of this civil rights suit alleging that municipal defendants knowingly released a dangerous and unstable person who subsequently shot plaintiff numerous times. (To Be Submitted on Briefs)

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**23-3471 USA v. Shain George**

**5:21-cr-00581-2**

Northern District of Ohio at Akron

J. Adams

Defendant appeals the district court's judgment following his guilty plea to receipt or possession of an unregistered firearm. (To Be Submitted On Briefs)

Thursday, May 2, 2024

Courtroom 5D - Nashville, TN, 8:30 A.M.

Before: **Gibbons, McKeague, Stranch**

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**23-1857 Tanika Parker, et al. v. Tenneco, Inc., et al.****2:23-cv-10816**

Eastern District of Michigan at Detroit

G. Steeh

Defendants appeal the district court's order denying their motion to compel arbitration of this ERISA suit. (10 Minutes for Plaintiffs; 5 Minutes for Amicus; 15 Minutes for Defendants)

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**23-3309 Mark Hartman v. Dave Yost****3:19-cv-00003**

Southern District of Ohio at Dayton

W. Rice

**23-3365 Mark Hartman v. Dave Yost****3:19-cv-00003**

Southern District of Ohio at Dayton

W. Rice

Respondent appeals the order granting in part and denying in part petitioner's petition for a writ of habeas corpus filed pursuant to 28 U.S.C. Section 2254. Petitioner cross-appeals. (15 Minutes Per Side)

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**23-3332 Apogee Coal Company, et al. v. OWCP, et al.**

20-0229 bla

Benefits Review Board

Petitioners seek review of a Benefits Review Board decision affirming an administrative law judge's order awarding benefits under the Black Lung Benefits Act and the Board's subsequent denial of en banc reconsideration. (To Be Submitted On Briefs)

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**23-1881 Jeffrey Stefanski v. Adam Douglas****2:20-cv-11714**

Eastern District of Michigan at Detroit

D. Hood

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)

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**23-3462 Diamond Transp Logistics, Inc. v. Kroger Company****2:19-cv-05448**

Southern District of Ohio at Columbus

S. Morrison

Plaintiff appeals from the district court's grant of summary judgment and award of damages and pre- and post-judgment interest in favor of defendant in this diversity action alleging breach of contract and related claims. (To Be Submitted On Briefs)

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**23-5466 Yvonne Craddock v. FedEx Corporate Services, Inc.****2:17-cv-02780**

Western District of Tennessee at Memphis

T. Parker

Plaintiff appeals the judgment for defendant in this action alleging employment discrimination and retaliation under Title VII and violations of the Family and Medical Leave Act. (To Be Submitted On Briefs)

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**23-1625 Anna McKinney v. Macomb County, MI****2:20-cv-13303**

Eastern District of Michigan at Detroit

L. Michelson

Plaintiff appeals the district court's summary judgment in favor of municipal defendant in this civil suit alleging that defendant employer failed to accommodate plaintiff as required under the ADA. (To Be Submitted On Briefs)

Thursday, May 2, 2024

Courtroom 5D - Nashville, TN, 8:30 A.M.

Before: **Gibbons, McKeague, Stranch**

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**23-1558 USA v. James Dentmond**

**2:22-cr-00009-1**

Western District of Michigan at Marquette

J. Beckering

Defendant appeals the district court's judgment in his criminal case after pleading guilty to conspiracy to distribute and possess with intent to distribute controlled substances. (To Be Submitted On Briefs)

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**23-5770 City of Pikeville, KY v. Cebridge Acquisition, LLC, et al.**

**7:22-cv-00064**

Eastern District of Kentucky at Pikeville

D. Bunning

Plaintiff appeals the judgment for defendants in this diversity action seeking to enforce its Board of Commissioner's determination that defendant was noncompliant with a franchise agreement for cable television services and ordering the payment of liquidated damages. (To Be Submitted On Briefs)

Thursday, May 2, 2024

Courtroom 6D - Nashville, TN, 9:00 A.M.

Before: **Larsen, Readler, Davis****23-1014 USA v. Adam Fox****1:20-cr-00183-1** Western District of Michigan at Grand Rapids R. Jonker**23-1029 USA v. Barry Croft, Jr.****1:20-cr-00183-2** Western District of Michigan at Grand Rapids R. Jonker

In these consolidated appeals, co-defendants appeal the district court's judgments in their criminal cases after being found guilty of kidnapping and weapons charges arising from their plot to kidnap the governor of Michigan. (10 Minutes for each Defendant; 20 Minutes for Plaintiff)

**23-5676 Thomas Clardy v. Zac Pounds****3:19-cv-01098** Middle District of Tennessee at Nashville A. Trauger

Respondent appeals the order conditionally granting petitioner's petition for a writ of habeas corpus filed pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

**23-5771 Kimberly Diei v. Randy Boyd, et al.****2:21-cv-02071** Western District of Tennessee at Memphis J. Fowlkes

Plaintiff appeals the dismissal of her action for injunctive and declaratory relief seeking to restrain defendants' professionalism policies as applied to her or others based on her allegations that the policies violate her due process rights under the First and Fourteenth Amendments and permit the subjective censorship of students' behavior outside school. (15 Minutes Per Side)

**23-1908 Jeremy Marchek v. USAA****1:21-cv-00087** Western District of Michigan at Grand Rapids P. Maloney

Plaintiff insured appeals the district court's order granting defendant insurer's motion to dismiss this diversity contract dispute. (15 Minutes Per Side)

**23-3628 Leon Roache v. Merrick Garland****a 041 357 958** Board of Immigration Appeals

Petitioner, a native and citizen of Jamaica, seeks review of a BIA order dismissing his appeal from an immigration judge's decision denying his application for protection under the Convention Against Torture. (To Be Submitted On Briefs)

**23-5356 USA v. Linnie Pettigrew****1:19-cr-10037-2** Western District of Tennessee at Jackson S. Anderson

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

**23-5815 Harold Smith v. Shelby Co, TN Bd of Education****2:22-cv-02008** Western District of Tennessee at Memphis S. Lipman

Plaintiff appeals the judgment for defendant in this action alleging violations of the Americans with Disabilities Act based on defendants alleged failure to make reasonable accommodations for him on account of his medical conditions. (To Be Submitted On Briefs)

Thursday, May 2, 2024

Courtroom 6D - Nashville, TN, 9:00 A.M.

Before: **Larsen, Readler, Davis**

**23-1554 USA v. Mitchell Pierce**

**1:22-cr-00152-1** Western District of Michigan at Grand Rapids R. Jonker

Defendant appeals the district court's judgment in his criminal case after pleading guilty to stalking and being a felon in possession of firearms. (To Be Submitted On Briefs)

Friday, May 3, 2024

Courtroom 5C - Nashville, TN, 9:00 A.M.

Before: **Siler, Clay, Griffin**

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**23-5428 USA v. Troy Huff**

**6:21-cr-00072-1** Eastern District of Kentucky at London

R. Wier

Defendant appeals his judgment in a criminal case, following a guilty plea, for possession with the intent to distribute methamphetamine, a fentanyl mixture, and a cocaine mixture, and possession of a firearm in furtherance of a drug trafficking crime. (15 Minutes Per Side)

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**23-5221 USA v. Terrell Trammell**

**3:21-cr-00028-1** Western District of Kentucky at Louisville

B. Beaton

Defendant appeals his judgment in a criminal case, following a jury trial, for conspiracy to possess with intent to distribute a controlled substance, distribution of a controlled substance, possession with intent to distribute a controlled substance, possession of a firearm in furtherance of a drug trafficking crime, possession of a firearm by a prohibited person, and aiding and abetting the assaulting, resisting, or impeding of a federal officer. (15 Minutes Per Side)

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**23-3336 USA v. Terris Baker**

**4:20-cr-00342-2** Northern District of Ohio at Youngstown

B. Pearson

Defendant appeals the district court's judgment following his jury convictions for conspiracy to commit offenses against the United States, aiding and abetting theft of government property, aiding and abetting false claims against the United States, and conspiracy to commit money laundering. (15 Minutes Per Side)

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**23-5798 USA v. Adam Lang**

**2:22-cr-00035-1** Eastern District of Kentucky at Covington

D. Bunning

Defendant appeals his judgment in a criminal case, following a guilty plea in which he preserved his right to appeal the denial of his motion to suppress, for possession with intent to distribute methamphetamine. (To Be Submitted on Briefs)