

United States Court of Appeals for the Ninth Circuit Calendar for The Pioneer Courthouse, Portland Oregon

**May 7-11, 2018
May 14-18, 2018**

Note: Calendar entries may change up until the hearing date. Please remember to check the docket report for updates. Case synopses are prepared by court staff for the convenience of the reader.

2018-05-07 9:00 am 2nd Floor Courtroom, The Pioneer Courthouse, Portland Oregon				
Before: RAWLINSON, and NGUYEN, Circuit Judges, and SILVER (Arizona), District Judge				
Case No.	Title	Nature	Origin	Time / Side
14-73639	Efrain Gonzalez-Juarez v. Jefferson Sessions - A native and citizen of Mexico petitions for review of the Board of Immigration Appeals' dismissal of his appeal of an Immigration Judge's decision dismissing his appeal from an immigration judge's denial of pre-conclusion voluntary departure.	Immigration	BIA	Subm.
15-72001	Julio Ulloa-Gomez v. Jefferson Sessions - A citizen of Mexico petitions for review of the Board of Immigration Appeals' decision denying of asylum and related relief, and declining to reinstate his period of voluntary departure.	Immigration	BIA	Subm.
16-35376	Gene McLenithan, Jr. v. Max Williams - Oregon state prisoner appeals from the district court's summary judgment in his 42 U.S.C. § 1983 suit under the First Amendment and the Religious Land Use and Institutionalized Persons Act seeking to be provided with a kosher meal. [3:09-cv-00085-AC]	Civil	OR	10 min
16-35520	Rebecca Strong v. City of Eugene - An appeal from the district court's summary judgment in a 42 U.S.C. § 1983 action arising out of an early-morning, SWAT-assisted search of plaintiff's home. [6:14-cv-01709-AA]	Civil	OR	15 min
16-35526	Kip O'Connor v. Clackamas County - An appeal from the district court's award of attorneys fees based upon Oregon's anti-SLAPP statute. [3:11-cv-01297-SI]	Civil	OR	15 min
17-35132	Corey Weidner v. Jeri Taylor - An Oregon state prisoner appeals the denial of his habeas corpus petition challenging his jury conviction for sex crimes. [2:13-cv-01973-YY]	Habeas	OR	15 min

2018-05-08 9:00 am 2nd Floor Courtroom, The Pioneer Courthouse, Portland Oregon

Before: RAWLINSON, and NGUYEN, Circuit Judges, and GARBIS (Maryland), District Judge

Case No.	Title	Nature	Origin	Time / Side
14-73005	Francisco Burboa-Rocha v. Jefferson Sessions - A citizen of Mexico petitions for review of the Board of Immigration Appeals' decision denying cancellation of removal, asylum and related relief.	Immigration	BIA	10 min
15-71264	Jose Lopez-Galicia v. Jefferson Sessions - A citizen of Mexico petitions for review of the Board of Immigration Appeals' denial of cancellation of removal based on his convictions for crimes involving moral turpitude.	Immigration	BIA	15 min
17-35103	Trivonne Barnett v. Jeff Premo - An Oregon state prisoner appeals the denial of his habeas corpus petition challenging his conviction for attempted murder and unlawful use of a weapon. [6:14-cv-01471-YY]	Habeas	OR	10 min
17-70676	Robert Powers v. USDOL - Robert Powers petitions for review of a decision of the U.S. Department of Labor Administrative Review Board denying Powers's claim that the Union Pacific Railroad Company fired Powers in violation of the Federal Railroad Safety Act.	Agency	LABR	Subm.
16-35267	Joseph Cunningham v. Multnomah County - Oregon state prisoner, individually, and on behalf of a class of those similarly situated, appeals from a summary judgment in his 42 U.S.C. § 1983 action alleging unconstitutional strip searches following every kitchen duty shift. [3:12-cv-01718-MO]	Civil	OR	15 min
16-35488	Gold Medal LLC v. USA Track & Field - An appeal from the dismissal of an antitrust case. [6:16-cv-00092-MC]	Civil	OR	15 min

2018-05-09 9:00 am 2nd Floor Courtroom, The Pioneer Courthouse, Portland Oregon

Before: RAWLINSON, and CHRISTEN, Circuit Judges, and GARBIS (Maryland), District Judge

Case No.	Title	Nature	Origin	Time / Side
16-35408	Elias Forcelledo v. Nancy Berryhill - Elias Forcelledo appeals the district court's decision affirming the Commissioner of Social Security's denial of Forcelledo's application for supplemental security income under Title XVI of the Social Security Act. [3:15-cv-00824-AA]	Social Security	OR	15 min
16-36067	William Diss v. Portland Public Schools - An appeal from summary judgment in an action alleging that while working as a teacher at a Portland public high school, plaintiff was harassed and retaliated against because he was an outspoken activist, in his free time, in the pro-life movement. [3:14-cv-01649-PK]	Civil	OR	15 min
16-36072	Yonas Fikre v. FBI - Yonas Fikre appeals the district court's dismissal of his action against the Federal Bureau of Investigation and other federal agencies and officials, seeking declaratory and injunctive relief from his placement on the No Fly List. [3:13-cv-00899-BR]	Civil	OR	15 min
17-35055	Tami Gebhard v. Nancy Berryhill - Tami Gebhard appeals the district court's decision affirming the Commissioner of Social Security's denial of Gebhard's application for disability insurance benefits under Title II of the Social Security Act. [1:15-cv-00487-JE]	Social Security	OR	Subm.
17-35196	Cassidy Almquist v. Association for Challenge - Cassidy Almquist appeals the district court's summary judgment in favor of Association for Challenge Course Technology in Almquist's diversity action alleging negligence, arising after Almquist was injured and paralyzed. [3:15-cv-01281-SB]	Civil	OR	Subm.

2018-05-10 9:00 am 2nd Floor Courtroom, The Pioneer Courthouse, Portland Oregon

Before: RAWLINSON, and CHRISTEN, Circuit Judges, and BLOCK (New York Eastern), District Judge

Case No.	Title	Nature	Origin	Time / Side
16-36004	Christopher Hamilton v. General Mills, Inc. - Christopher Hamilton appeals the district court's dismissal of his diversity putative class action against General Mills, Inc., alleging that General Mills mislabeled certain batches of Cheerios as gluten free. [6:16-cv-00382-MC]	Civil	OR	Subm.
16-35816	Lucille Beck v. Metropolitan Prop. & Cas. Ins. - Metropolitan Property and Casualty Insurance Company appeals the district court's order awarding Lucille Beck attorneys' fees in the amount of \$1,081,370 and costs of \$9,254, arising out of Beck's diversity insurance coverage action. [3:13-cv-00879-AC]	Civil	OR	15 min
16-35821	Linda McLean v. Pine Eagle School Dist, No. 61 - An appeal from the district court's summary judgment in a 42 U.S.C. § 1983 action against the Pine Eagle School District arising out of an unannounced active shooter drill that took place at the school where plaintiff was a teacher. [3:15-cv-00654-SI]	Civil	OR	15 min
16-35961	Keith Fino v. Nancy Berryhill - Keith Fino appeals the district court's decision affirming the Commissioner of Social Security's denial of Fino's application for disability insurance benefits under Title II of the Social Security Act. [6:15-cv-01910-PA]	Social Security	OR	15 min
16-36015	Victorina Mata v. Oregon Health Authority - An appeal from the district court's judgment, entered following a bench and a jury trial, in a 42 U.S.C. § 1983 action alleging First Amendment and retaliation claims against plaintiff's former employer Oregon Health Authority. [6:13-cv-00485-MC]	Civil	OR	15 min

2018-05-11 9:00 am 2nd Floor Courtroom, The Pioneer Courthouse, Portland Oregon

Before: RAWLINSON, and CHRISTEN, Circuit Judges, and BLOCK (New York Eastern), District Judge

Case No.	Title	Nature	Origin	Time / Side
16-35242	Cecil Smith v. ICTSI Oregon, Inc. - Cecil Smith appeals the district court's summary judgment in his diversity negligence action against ICTSI Oregon, Inc., seeking to recover for injuries he incurred when he stepped into a pothole while working at a slab yard. [3:15-cv-00035-BR]	Civil	OR	10 min
17-35485	Cecil Smith v. Evraz Inc. NA - Cecil Smith appeals the district court's summary judgment in favor of Evraz Inc. NA in Smith's diversity action, alleging negligence, and seeking damages for a personal injury Smith sustained when he stepped into a pothole. [3:17-cv-00086-SI]	Civil	OR	10 min
16-35815	Jeffery Barnes v. Nancy Berryhill - An appeal from the district court's affirmance of the Commissioner of Social Security's denial of disability benefits. [3:15-cv-01424-SI]	Social Security	OR	10 min
16-35547	Joseph Kwiecinski v. Medi-Tech Int'l Corp. - Joseph Kwiecinski appeals the district court's summary judgment in favor of his former employer, Medi-Tech International Corp., in a diversity action, alleging workers compensation claims. [3:14-cv-01512-BR]	Civil	OR	15 min
16-35566	Rod Edwards v. Multnomah County Sheriff Dept. - An appeal from the district court's summary judgment in a 42 U.S.C. §1983 action alleging plaintiff was denied a promotion in retaliation for a previous lawsuit against the Sherriff's Office.. [3:14-cv-00531-AC]	Civil	OR	Subm.
16-35879	Northwest Bank v. McKee Family Farms, LLC - Northwest Bank appeals the district court's judgment in a diversity action it brought seeking a declaration that it has a security interest superior to any interest that the defendant growers have in radish seed grown in Oregon in 2014. [3:15-cv-01576-MO]	Civil	OR	15 min

2018-05-14 9:00 am 2nd Floor Courtroom, The Pioneer Courthouse, Portland Oregon

Case No.	Title	Nature	Origin	Time / Side
16-36056	Terry Hedin v. Haun Castillo - Federal prisoner appeals from summary judgment in action alleging that prison officials imposed restrictions on his religious exercise when they reduced the number of Asatru religious items and by reducing the number of days for Yule celebration. [3:14-cv-01504-CL]	Pr Non- HC	OR	10 min
16-35288	Carla Sammons v. Regence BCBS Oregon - An appeal from the district court's judgment in an ERISA action challenging a denial of health insurance benefits. [3:15-cv-01703-SI]	Civil	OR	15 min
16-35767	Clatsop Residents Against WalM v. U.S. Army Corps of Engineers - Clatsop Residents Against Wal-Mart appeals the district court's summary judgment in favor of the U.S. Army Corps of Engineers in an action challenging the Corps' decision to issue a permit to fill protected wetlands areas. [3:15-cv-00737-MO]	Civil	OR	15 min
16-35798	Anana Roberts v. Nancy Berryhill - Anana Razumny Roberts appeals the district court's decision affirming the Commissioner of Social Security's denial of Roberts's application for supplemental security income under Title XVI of the Social Security Act. [6:15-cv-01460-CL]	Social Security	OR	Subm.
17-35569	FSEEE v. USFS - Forest Service Employees for Environmental Ethics appeals the district court's summary judgment in an action alleging that the Community Protection Line was constructed without complying with the National Environmental Policy Act. [2:16-cv-00293-TOR]	Civil	E. WA	15 min

2018-05-15 9:00 am 2nd Floor Courtroom, The Pioneer Courthouse, Portland Oregon

Case No.	Title	Nature	Origin	Time / Side
16-35688	Glacier Films (USA), Inc. v. Andrey Turchin - An appeal from an order denying attorneys' fees in a copyright case. [3:15-cv-01817-SB]	Civil	OR	10 min
16-35991	Jonathan Hunsaker v. USA - An appeal from the district court's reversal of the bankruptcy court's award of damages against the United States in an adversary proceeding. [6:16-cv-00386-MC]	Bankruptcy	OR	10 min
16-72640	Victoria Dieringer v. CIR - Appeal of Tax Court decision on petition for redetermination of federal income tax deficiency, challenging the valuation of a charitable deduction and an accuracy-related penalty. [21992-13]	Tax Court	OR	10 min
16-35817	Margarita Vejo v. Portland Public Schools - Two employees of the Portland Public Schools appeal from the denial of their motion for qualified immunity in a 42 U.S.C. § 1983 action brought by a student-counseling intern who alleged wrongful termination. [3:14-cv-01656-AA]	Civil	OR	15 min
16-35912	James DeHoog v. Anheuser-Busch Inbev SA/NV - An appeal from the dismissal of an antitrust case. [1:15-cv-02250-CL]	Civil	OR	15 min
17-35452	Lee Burrington v. Ocwen Loan Servicing, LLC - Lee Burrington appeals the district court's judgment on the pleadings in favor of Ocwen Loan Servicing, LLC and Bank of America, NA in a diversity action, alleging claims arising from the mortgage loan modification process. [9:15-cv-00168-DWM]	Civil	MT	15 min

2018-05-16 9:00 am 2nd Floor Courtroom, The Pioneer Courthouse, Portland Oregon

Case No.	Title	Nature	Origin	Time / Side
16-35435	Mercy Medical Center v. Oregon Nurses Association - An appeal from the district court's order confirming an arbitration award in a labor law case. [3: 15-cv-00699-PK]	Civil	OR	Subm.
16-71810	Omar Gallardo-Torres v. Jefferson Sessions - A citizen of Mexico petitions for review of the Board of Immigration Appeals' denial of asylum, withholding of removal, and protection under the Convention Against Torture.	Immigration	BIA	10 min
17-35091	Guadalupe Gonzalez v. Mark Nooth - An Oregon state prisoner appeals the denial of his habeas corpus petition challenging his sentence for three counts of first-degree sexual abuse. [2: 15-cv-02126-SI]	Habeas	OR	10 min
15-35986	Brian Carlos v. Patenaude & Felix A.P.C - An appeal from the district court's summary judgment in an action under the Fair Debt Collection Practices Act. [3: 14-cv-00921-MO]	Civil	OR	15 min
16-35216	Kristin Samuelson v. Oregon State University - An appeal from the dismissal of a Title IX case. [6: 15-cv-01648-MC]	Civil	OR	15 min
16-35410	Denise Ramirez v. Nancy Berryhill - Denise Ramirez appeals the district court's decision affirming the Commissioner of Social Security's denial of Ramirez's application for disability insurance benefits and supplemental security income under of the Social Security Act. [1: 15-cv-00070-AA]	Social Security	OR	15 min

2018-05-17 9:00 am 2nd Floor Courtroom, The Pioneer Courthouse, Portland Oregon

Case No.	Title	Nature	Origin	Time / Side
16-35724	Dain Sansome v. Glenn Fairall - An appeal from the district court's denial of a motion for reconsideration of the district court's dismissal of plaintiffs' 42 U.S.C. § 1983 action alleging civil rights violations during a criminal prosecution. [6:15-cv-02267-AA]	Civil	OR	10 min
16-35738	Sean Hoard v. J. Hartman - Oregon state prisoner appeals from the district court's judgment, entered following a jury verdict, in a 42 U.S.C. § 1983 action alleging excessive force. [2:13-cv-02161-BR]	Pr Non- HC	OR	10 min
17-35102	Charles Shorb v. Mark Nooth - An Oregon state prisoner appeals the dismissal of his habeas corpus petition challenging his conviction for first-degree sexual abuse and first-degree rape. [2:14-cv-02005-SB]	Habeas	OR	10 min
16-35431	M. S. v. Kate Brown - Appeal from the dismissal of a 42 U.S.C. § 1983 action alleging that the voter rejection of Oregon Ballot Measure 88, the Driver Card Law, violated plaintiffs' rights by arbitrarily denying them driving privileges based on their national origin. [6:15-cv-02069-AA]	Civil	OR	15 min
16-35518	Sweeney Gillette v. Malheur County - Appeal from the dismissal of a 42 USC § 1983 action filed against a variety of local and state officials in Oregon and Idaho alleging constitutional violations arising from a multi-jurisdictional investigation of plaintiffs' cattle ranch. [2:14-cv-01542-SU]	Civil	OR	15 min
16-35928	James Kepner v. Weyerhaeuser Company - An appeal from the dismissal of an ERISA action concerning retirees' health care benefits. [6:16-cv-01040-AA]	Civil	OR	15 min
18-55313	Vijayakumar Thuraissigiam v. USDHS - A native and citizen of Sri Lanka appeals the district court's dismissal for lack of jurisdiction of his petition for a writ of habeas corpus challenging his order of expedited removal [3:18-cv-00135-AJB-AGS]	Habeas	S. CA	15 min

2018-05-18 8:00 am 2nd Floor Courtroom, The Pioneer Courthouse, Portland Oregon

Case No.	Title	Nature	Origin	Time / Side
16-35619	IDS Property Cas. Ins. Co. v. Michelle Mullins - IDS Property Casualty Insurance Company appeals the district court's judgment in favor of Michelle and Ryan Mullins in IDS's diversity insurance coverage action, concerning attorneys' fees. [6:14-cv-01344-MC]	Civil	OR	10 min
17-35010	Eileen Fast v. Angels Management, Inc. - Eileen Fast appeals the district court's summary judgment in favor of Angels Management, Inc. dba Gold Beach Resort in Fast's diversity action seeking damages for injuries sustained when she tripped and fell in the Golden Beach Resort parking lot. [6:16-cv-00060-MC]	Civil	OR	10 min
17-35041	Cobbler Nevada, LLC v. Thomas Gonzales - An appeal from the dismissal of an action under the Copyright Act. [3:15-cv-00866-SB]	Civil	OR	10 min
16-35523	Robert Boydston, IV v. U.S. Bank - An appeal from the district court's judgment in an action under the Fair Credit Reporting Act. [3:11-cv-00429-HZ]	Civil	OR	15 min
16-35717	Jim Miller v. Eric Olsen - An appeal from the district court's summary judgment in an ERISA case. [3:15-cv-00571-AC]	Civil	OR	15 min
17-35592	AT&T Corp. v. Jackson Utilities, LLC - AT&T Corp. appeals the district court's judgment, following a four-day bench trial, in AT&T's diversity action against an excavator, Jackson Utilities, LLC, for negligence and negligence per se for damages. [2:15-cv-00039-BMM-JCL]	Civil	MT	15 min

Location Address

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT
Pioneer Courthouse
700 SW 6th Avenue
Portland OR 97204-1369