

**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT  
CALENDAR FOR SAN FRANCISCO, CALIFORNIA**

October 6, 2010

**October 4 - 8, 2010**

**October 19, 2010**

| <u>Case No.</u> | <u>Title of Cause</u>   | <u>Nature</u> | <u>Origin</u> |
|-----------------|---|---------------|---------------|
| Mon. 4          | 9:00 a.m. Courtroom 1, 3 <sup>rd</sup> Floor<br>Before: BERZON, CALLAHAN, CJJ; WOLLE (Iowa), DJ     |               |               |
| 08-10389        | United States v. Pomares  | Criminal      | E. Cal        |
| 09-10304        | United States v. Garcia   | Criminal      | Arizona       |
| 09-15858        | Simontacchi v. Nevada Dep't of Public Safety  | Rights        | N.Nev         |
| 09-10396        | United States v. Krupa  | Criminal      | E. Cal        |
| 09-10290)       | United States v. Man Nei Lui  | Criminal      | N.Cal         |
| 09-10408)       | United States v. Pong Lin Lui   |               |               |
| Mon. 4          | 9:00 a.m. Courtroom 2, 3 <sup>rd</sup> Floor<br>Before: HUG, RYMER, NR SMITH, CJJ                   |               |               |
| 06-73771        | Gueorguov v. Holder   | Imm Asy       | Arizona       |
| 07-15385        | Williams v. Perkins   | Habeas        | Arizona       |
| 08-17337        | Magee v. Mendoza-Powers   | Habeas        | E. Cal        |
| 09-16355        | Dixon v. Evans  | Habeas        | E. Cal        |
| 09-16923        | Crawford v. Evans   | Habeas        | N.Cal         |
| 09-16940        | Perridon v. Roe   | Habeas        | E. Cal        |
| 09-17351        | Pinckney v. Scribner  | Habeas        | E. Cal        |
| Mon. 4          | 9:00 a.m. Courtroom 3, 3 <sup>rd</sup> Floor<br>Before: FERNANDEZ, SILVERMAN, CJJ; DUFFY (SDNY), DJ |               |               |
| 06-72155        | Nijjar v. Holder  | Imm Asy       | N.Cal         |
| 06-72759        | Tahocheuching v. Holder   | Imm Asy       | N.Cal         |
| 08-15478        | McDowell v. McDaniel  | Habeas        | N.Nev         |
| 09-16789        | Paige v. Goddard  | Habeas        | Arizona       |
| 08-15159        | Burdett v. Reynoso  | Rights        | N.Cal         |
| 08-16146        | Bank of America v. Swanson  | Federal       | N.Nev         |

**Location of Hearing:**

**James R. Browning US Courthouse, United States Court of Appeals - 9th Circuit  
95 Seventh Street, San Francisco, California 94103**

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|------------------------|---|---------------|---------------|
| Mon. 4                 | 9:00 a.m. Courtroom 4, 2 <sup>nd</sup> Floor<br>Before: BEEZER, KLEINFELD, GRABER, CJJ                                      |               |               |
| 06-70302)<br>07-71153) | Khan v. Holder  | Imm Asy       | N.Cal         |
| 06-71238               | Banna v. Holder   | Imm Non-      | N.Cal         |
| 06-75097               | Humran v. Holder  | Imm Non-      | N.Cal         |
| 06-71882)<br>07-72216) | Singh v. Holder   | Imm Asy       | N.Cal         |
| 08-16171               | Brewer v. Astrue  | Civil v. US   | E. Cal        |
| 08-16826               | OneBeacon Ins. v. Haas Indus.   | Federal       | N.Cal         |
| 10-10074               | United States v. Tagatac  | Criminal      | Hawaii        |
| 10-10245               | United States v. Grant  | Criminal      | Hawaii        |
| Tue. 5                 | 9: 30 a.m. Courtroom 1, 3 <sup>rd</sup> Floor <b>&lt;note new starting time</b><br>Before: REINHARDT, BERZON, CALLAHAN, CJJ |               |               |
| 06-72416               | Regassa v. Holder   | Imm Asy       | N.Cal         |
| 06-72784               | Sagoo v. Holder   | Imm Asy       | N.Cal         |
| 06-72881               | Yang v. Holder  | Imm Asy       | N.Cal         |
| 06-72917               | Mayorga-Esguerra v. Holder  | Imm Asy       | N.Cal         |
| 06-72978               | Singh v. Holder   | Imm Asy       | N.Cal         |
| 06-73232               | Mehta v. Holder   | Imm Non-      | N.Cal         |
| 06-74937               | Favela-Garcia v. Holder   | Imm Non-      | Arizona       |
| Tue. 5                 | 9:00 a.m. Courtroom 2, 3 <sup>rd</sup> Floor<br>Before: RYMER, NR SMITH, CJJ; LEIGHTON (W. Wash.), DJ                       |               |               |
| 06-71793)<br>06-74158) | Liao v. Holder  | Imm Asy       | N.Cal         |
| 06-72536               | Singh v. Holder   | Imm Asy       | N.Cal         |
| 06-72655               | Mudbhari v. Holder  | Imm Asy       | N.Cal         |
| 06-72615               | Sabajan-Quiroz v. Holder  | Imm Non-      | Arizona       |
| 06-72865               | Mendoza v. Holder   | Imm Non-      | Arizona       |
| 08-74569               | Garcia v. Holder  | Imm Non-      | S. Cal        |
| 09-71353               | Avila-Canchola v. Holder  | Imm Non-      | S. Cal        |
| 06-73373               | Kumar v. Holder   | Imm Asy       | N.Cal         |

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|-----------------|---|---------------|---------------|
| Tue. 5          | 9:00 a.m. Courtroom 3, 3 <sup>rd</sup> Floor<br>Before: FERNANDEZ, SILVERMAN, CJJ; DUFFY (SDNY), DJ |               |               |
| 06-70318        | Grigoryan v. Holder   | Imm Asy       | N.Cal         |
| 06-70683)       | Kaur v. Holder  | Imm Asy       | N.Cal         |
| 06-73098)       |   |               |               |
| 06-72609)       | Edu v. Holder   | Imm Asy       | Arizona       |
| 07-70590)       |   |               |               |
| 06-72510        | Valadez-Munoz v. Holder   | Imm Non-      | S. Nev        |
| 06-73224        | Ascencio-Pando v. Holder  | Imm Asy       | N.Cal         |
| 07-16623        | Robinson v. Crawford  | Habeas        | E. Cal        |
| 07-16921        | Anderson v. Henton  | Habeas        | Arizona       |
| 08-15792        | Chapman v. U.S. Trustee   | Bankruptcy    | S. Nev        |
| Tue. 5          | 9:00 a.m. Courtroom 4, 2 <sup>nd</sup> Floor<br>Before KLEINFELD, GRABER, CJJ; MOLLOY (Montana), DJ |               |               |
| 04-71176        | Rizvi v. Holder   | Imm Asy       | N.Cal         |
| 08-16185        | United States v. Buen-Rostro  | Habeas        | E. Cal        |
| 08-16860        | Harris v. Lewis   | Prisoner      | E. Cal        |
| 08-99004        | Smith v. McDaniel   | Habeas        | S. Nev        |
| 09-10421        | United States v. Adamson  | Criminal      | E. Cal        |
| 09-10513        | United States v. Hernandez  | Criminal      | N.Cal         |
| 09-17784        | Slater v. Sullivan  | Habeas        | E. Cal        |
| 10-10042        | United States v. Caraway  | Criminal      | S. Nev        |
| Tue. 5          | 2:00 p.m. Courtroom 2, 3 <sup>rd</sup> Floor<br>Before: RYMER, GRABER, BEA, CJJ                     |               |               |
| 10-35022        | Forest Grove School District v. T.A.  | Federal       | Oregon        |

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|-----------------|--|-----------------------------------|---------------|
| Wed. 6          | 9: 30 a.m. Courtroom 1, 3 <sup>rd</sup> Floor<br>Before: REINHARDT, BERZON, CJJ; POLLAK (E. Penn.), DJ | <b>&lt;note new starting time</b> |               |
| 08-16904        | Hermetic Order v. Griffin  | Federal                           | N.Cal         |
| 08-16941        | Ready Transportation. v. AAR Manufacturing   | Diversity                         | E. Cal        |
| 09-17091        | Adam v. Salazar  | Civil v. US                       | N.Cal         |
| 08-16368)       | Champagne v. San Francisco   | Rights                            | N.Cal         |
| 08-17180)       | 08-17503)  |                                   |               |
| 08-16798        | Russell v. Mountain Park   | Federal                           | Arizona       |
| 08-17030        | AT&T v. Pac-West   | Federal                           | N.Cal         |
| Wed. 6          | 9:00 a.m. Courtroom 2, 3 <sup>rd</sup> Floor<br>Before: HUG, RYMER, NR SMITH, CJJ                      |                                   |               |
| 08-17205        | Higley v. Rick's Floor Covering, Inc.  | Federal                           | N.Nev         |
| 08-17629        | Nickson v. Pliler  | Habeas                            | E. Cal        |
| 08-17641        | Cowen v. Astrue  | Civil v. US                       | E. Cal        |
| 09-16399        | Officers for Justice v. Civil Service Comm'n   | Rights                            | N.Cal         |
| 09-16455)       | Avila v. Willits Envir. Remediation Trust  | Federal                           | N.Cal         |
| 09-16457)       | 09-16459) 09-17852)  |                                   |               |
| Wed. 6          | 9:00 a.m. Coutroom 3, 3 <sup>rd</sup> Floor<br>Before: FERNANDEZ, THOMPSON, SILVERMAN, CJJ             |                                   |               |
| 06-72875)       | Sarkis v. Holder   | Imm Asy                           | N.Cal         |
| 08-71635)       |  |                                   |               |
| 09-60003        | Triad Commercial v. Comerica Bank  | Bankruptcy                        | Arizona       |
| 09-60039        | In re GTI Capital Holdings, LLC  | Bankruptcy                        | Arizona       |
| 09-15001        | Gaeta v. Perrigo Pharmaceuticals Co.   | Diversity                         | N.Cal         |
| 09-15176        | Winnemucca Indian Colony v. USA  | Civil v. US                       | S. Nev        |
| 09-15302)       | In re ComUnity Lending, Inc.   | Bankruptcy                        | N.Cal         |
| 09-16191)       |  |                                   |               |



**Location of Hearing:**

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|-----------------|--|---------------|---------------|
| Wed. 6          | 9:00 a.m. Courtroom 4, 2 <sup>nd</sup> Floor<br>Before: BEEZER, KLEINFELD, GRABER, CJJ                 |               |               |
| 05-77397        | Malilia v. Holder  | Imm Non-      | S. Nev        |
| 08-71385        | Cornejo Norianueva v. Holder   | Imm Non-      | C. Cal        |
| 09-16972        | York-Spann v. Astrue   | Civil v. US   | Arizona       |
| 09-16477        | United States v. Chen  | Civil v. US   | S. Nev        |
| 09-16487        | Progressive Gulf Ins. Co. v. Faehnrich   | Diversity     | S. Nev        |
| 09-16560        | Sunstone Behavioral v. Alameda Cty.  | Diversity     | E. Cal        |
| Thu. 7          | 9: 30 a.m. Courtroom 1, 3 <sup>rd</sup> Floor<br>Before: REINHARDT, BERZON, CJJ; POLLAK (E. Penn.), DJ |               |               |
| 09-16233)       | Tsao v. Desert Palace  | Rights        | S. Nev        |
| 09-17535)       |  |               |               |
| 09-16292        | Fabbrini v. City of Dunsmuir   | Rights        | E. Cal        |
| 09-16901        | Murray v. Andrade  | Rights        | N.Cal         |
| 09-16238)       | Anderson-Francois v. Connors   | Rights        | N.Cal         |
| 09-16240)       |  |               |               |
| 09-15288        | Hunter v. County of Sacramento   | Rights        | E. Cal        |
| 09-15983)       | Antoine v. County of Sacramento  | Rights        | E. Cal        |
| 09-16085)       |  |               |               |
| Thu. 7          | 9:00 a.m. Courtroom 2, 3 <sup>rd</sup> Floor<br>Before: RYMER, NR SMITH, CJJ; LEIGHTON (W. Wash.), DJ  |               |               |
| 09-16427        | Dague v. Dumestic  | Rights        | S. Nev        |
| 09-16456        | Gulf Ins. Co. v. First Bank  | Diversity     | E. Cal        |
| 09-16499        | Congregation Beth Aaron v. Yang  | Diversity     | N.Cal         |
| 09-16746        | Hafiz v. GreenPoint Mortgage   | Federal       | N.Cal         |
| 09-15413        | Federal Ins. Co. v. St. Paul Fire & Marine Ins.  | Diversity     | N.Cal         |
| 09-15327)       | Heston v. Taser International  | Rights        | N.Cal         |
| 09-15440)       |  |               |               |

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| Thu. 7          | 9:00 a.m. Courtroom 3, 3 <sup>rd</sup> Floor<br>Before: THOMPSON, SILVERMAN, McKEOWN, CJJ   |               |               |
| 09-16699        | Shilts v. Astrue  | Civil v. US   | Arizona       |
| 09-16722        | Anaya v. Nissan North America, Inc.   | Diversity     | S. Nev        |
| 09-16756        | American Small Business League v. U.S. SBA  | Civil v. US   | N.Cal         |
| 09-15409)       | Ryan Investment Corp. v. Pedregal de Cabo San   | Diversity     | N.Cal         |
| 09-15702)       |   |               |               |
| 09-16357        | New Amsterdam Project Management v. Laughrin  | Diversity     | N.Cal         |
| 09-16404        | McCollum v. CDCR  | Prisoner      | N.Cal         |
| 09-17778        | Finley v. Hartford Life & Accident  | Federal       | N.Cal         |
| Thu. 7          | 9:00 a.m. Courtroom 4, 2 <sup>nd</sup> Floor<br>Before: KLEINFELD, GRABER, CJJ; CARNEY (C. Cal), DJ                                       |               |               |
| 10-15333        | Guerrero v. GreenPoint Mortgage   | Federal       | N.Cal         |
| 09-16751        | Californians v. CPUC  | Rights        | N.Cal         |
| 09-15791        | Ross v. Excel Group Plan  | Federal       | Arizona       |
| 09-15944        | Hunt, Ortmann v. Jim L. Shetakis Distr.   | Bankruptcy    | S. Nev        |
| 09-16581        | Burnham v. United States  | Civil by US   | Arizona       |
| Fri. 8          | 9:00 a.m. Courtroom 1, 3 <sup>rd</sup> Floor <b>note change in starting time</b><br>Before: REINHARDT, BERZON, CJJ; POLLAK (E. Penn.), DJ |               |               |
| 09-16753        | Hoye v. City of Oakland <b>&lt; first up</b>  | Rights        | N.Cal         |
| 09-10307        | United States v. Bonilla  | Criminal      | N.Cal         |
| 09-16768        | Stoner v. Wilcox  | Civil by US   | N.Cal         |
| 09-16924        | Greensprings Baptist Christian v. Cilley  | Diversity     | N.Cal         |
| 09-15937)       | Johnson v. Wells Fargo  | Federal       | N.Nev         |
| 09-16815)       |   |               |               |

**Location of Hearing:**



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United States Court of Appeals - 9th Circuit  
95 Seventh Street  
San Francisco, California 94103**

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| Fri. 8          | 9:00 a.m. Courtroom 2, 3 <sup>rd</sup> Floor<br>Before: HUG, RYMER, NR SMITH, CJJ                |               |               |
| 06-71701        | Rendon v. Holder   | Imm Non-      | Arizona       |
| 09-16167        | Gordon v. City of Oakland  | Federal       | N.Cal         |
| 09-17099        | Morris v. Astrue   | Civil v. US   | Arizona       |
| 09-15300)       | Doe v. Dickenson   | Rights        | Arizona       |
| 09-16440)       |  |               |               |
| 09-16019)       | EEOC v. Banner Health  | Civil by US   | Arizona       |
| 09-16769)       |  |               |               |
| 09-16123        | J.W. v. Fresno Unified School District   | Federal       | E. Cal        |
| Fri. 8          | 9:00 a.m. Courtroom 3, 3 <sup>rd</sup> Floor<br>Before: THOMPSON, SILVERMAN, McKEOWN, CJJ        |               |               |
| 09-15277        | Nigro v. Evans   | Habeas        | E. Cal        |
| 09-70339        | Helbig v. CIR  | Tax           | N.Cal         |
| 09-70425        | Heller v. CIR  | Tax           | N.Cal         |
| Fri. 8          | 9:00 a.m. Courtroom 4, 2 <sup>nd</sup> Floor<br>Before: BEEZER, GRABER, CJJ; CARNEY (C. Cal), DJ |               |               |
| 05-73118        | Kaur v. Holder   | Imm Asy       | N.Cal         |
| 08-70181        | Sawyers v. Holder  | Imm Non-      | Arizona       |
| 08-73908        | Campo-Ortiz v. Holder  | Imm Non-      | Arizona       |
| 09-15759        | Lowe v. Washoe County  | Tax           | N.Nev         |
| 09-16313)       | West Charleston Lofts v. R&O Construction  | Diversity     | S. Nev        |
| 09-16887)       |  |               |               |
| 09-16253        | Kanawi v. Bechtel Corp.  | Federal       | N.Cal         |

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|-----------------|--|---------------|---------------|
| Tue. 19         | 1:30 p.m. Courtroom 1, 3 <sup>rd</sup> Floor<br>Before: ALARCÓN, O'SCANNLAIN, GOULD, CJJ   |               |               |
| 07-15763        | Nordyke v. King  | Rights        | N.Cal.        |
| Tue. 19         | 3:00 p.m. Courtroom 2, 3 <sup>rd</sup> Floor<br>Before: Peter Shaw, Appellate Commissioner |               |               |
| 09-80137        | Re Melissa S. Lee, Esq.  | OSC           |               |

**Judges Sitting by Designation:**

Hon. Cormac J. Carney , US District Judge for the Central District of California

Hon. Kevin Thomas Duffy, Senior US District Judge for the Southern District of New York

Hon. Ronald B. Leighton, US District Judge for the Western District of Washington



Hon. Donald W. Molloy, Chief US District Judge for the District of Montana

Hon. Louis H. Pollak, Senior US District Judge for the Eastern District of Pennsylvania

Hon. Charles R. Wolle, Senior US District Judge for the Southern District of Iowa

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## **U.S. Court of Appeals for the Ninth Circuit Electronic Devices Policy**

**This policy pertains to the use of electronic devices by the bar, media and the public in the courthouses and other dedicated spaces housing the United States Court of Appeals for the Ninth Circuit. These are the William K. Nakamura U.S. Courthouse in Seattle, the Pioneer U.S. Courthouse in Portland, the James R. Browning U.S. Courthouse in San Francisco, the Richard H. Chambers U.S. Courthouse in Pasadena, and the U.S. Court of Appeals for the Ninth Circuit in Honolulu. The policy also applies to other places in which the court holds session for special sittings. These include courtrooms in the district courthouses and spaces in law schools and other locations.**

**Visitors to any of the Ninth Circuit courthouses and dedicated spaces are allowed to carry and make use of various electronic devices as set out by this policy. Different rules may apply when the court meets in another venue, such as a district courthouse. Where conflicts between this policy and that of a district court become known, the chief circuit judge and chief district judge, or their designees, will confer to resolve such conflicts.**

### **General Rules:**

- 1. Anyone may bring electronic devices, such as a Blackberry, smart phone, laptop computer or a similar functioning device having wireless communications capability into the courthouse.**
- 2. Except for courtrooms, persons may use such devices in public areas of the courthouse to make telephone calls and to transmit and receive data communications, such as email or text messages, or to access the Internet. For reasons of privacy, safety, and security, use of these devices to take photographs or for audio or video recording or transmission is prohibited in the courthouse (exceptions for court staff, authorized vendors or for educational or ceremonial events).**
- 3. In courtrooms, persons may use such devices to take notes, transmit and receive data communications, and access the Internet. This includes media members who are transmitting written accounts of the proceeding to a wider audience using various means. Persons may not use these devices for telephone calls, photographs or audio or video recording or transmission. Telephone ring tones and other functional sounds produced by devices must be disabled while in the courtroom. Only quiet keyboards may be used in the courtrooms.**
- 4. The presiding judge of a judicial panel may prohibit or further restrict use of such devices by all persons prior to or during a proceeding when necessary to protect the rights of the parties or to assure the orderly conduct of the proceedings.**
- 5. This policy will be prominently displayed wherever the court holds session and posted on the court's website. Failure to adhere to the policy may result in removal from the courtroom or other sanction.**

**Adopted June 23, 2010.**