



Public Information Office
United States Courts for the Ninth Circuit

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NEWS RELEASE

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Ninth Circuit Plans Special Sitting at the University of Hawaii

SAN FRANCISCO – The United States Court of Appeals for the Ninth Circuit will travel to Honolulu, Hawaii, for a special sitting November 19 at the University of Hawaii at Manoa, William S. Richardson School of Law. Oral arguments will begin at 9:30 a.m. in the Moot Courtroom, 2515 Dole Street. A photo ID will be required for access into the courtroom.

A three-judge panel consisting of Circuit Judges Richard A. Paez of Pasadena, Mary M. Schroeder of Phoenix, and N. Randy Smith of Pocatello will hear appeals of decisions by the U.S. District Court for the District of Hawaii and the Board of Immigration Appeals. The cases on the docket are:

- *Smith v. State of Hawaii*, in which Derrick Smith, a Hawaii state prisoner, appeals the district court's denial of his habeas corpus petition challenging his conviction of murdering his infant son. He was sentenced to life with the possibility of parole. Case 07-16319
- *Doherty v. Mukasey*, in which Adian Doherty, aka Aidan Doherty, a native of Northern Ireland and a citizen of the United Kingdom and Ireland, petitions for review of the BIA's decision sustaining the government's appeal of an immigration judge's grant of asylum and withholding of removal. He was convicted in Ireland of assisting his brother in the murder of an Ulster Democratic Party member. Doherty asserted fear of persecution and torture on account of his familial relationship with his brother, his moderate Roman Catholic religion, and his political opinion. The BIA reversed the immigration judge's decision and held that Doherty failed to establish eligibility for withholding of removal and relief under the Convention Against Torture. Case 07-73015
- *United States v. Manning*, in which Nina Manning appeals the district court's denial of her suppression motion following which she entered a conditional guilty plea to second degree murder of an infant. Case 08-10102

- *Huynh v. Mukasey*, in which Diem Thi Huynh (05-73446), native and citizen of Vietnam, petitions for review of the BIA's summary affirmance of an immigration judge's decision finding her removable as an aggravated felon and for committing a crime involving moral turpitude, conspiracy to defraud the U.S., and transfer or unauthorized use of food stamps, and denying her applications for asylum, withholding of removal and relief under the Convention Against Torture. Sang Van Nguyen (05-73462), also a native and citizen of Vietnam, petitions for review of the BIA's summary affirmance of an immigration judge's decision finding him removable for committing a crime involving moral turpitude, terrorist threatening in the first degree, and denying his applications for cancellation of removal and Immigration and Nationality Act waivers. Cases 05-73446, 05-73462
- *Center Food Safety v. Johanns*, in which the Center for Food Safety and others, appeal the district court's order granting in part the plaintiffs' motion for summary judgment, in their action alleging claims arising under the National Environmental Policy Act, the Endangered Species Act, the Plant Protection Plant Act, and the Administrative Procedure Act. Mike Johanns, secretary of the U.S. Department of Agriculture, and other officials (collectively USDA) initially appealed the district court's order, but the government's appeal was voluntarily dismissed, and the plaintiffs' cross appeal became the lead case. The initial complaint challenged permits issued by the USDA allowing outdoor field trials of plants produced through biotechnology in Hawaii. The district court concluded that the standard was satisfied for some but not all of the sealed information in this case. Plaintiffs challenge the district court's order that sealed the pinpoint locations of field tests conducted under USDA permits. Case 06-17319
- *United States v. Elliot*, in which Basho Elliot appeals his jury conviction, after a second trial, and sentence for conspiracy to distribute 500 grams or more of a mixture and substance containing cocaine and attempt to possess with intent to distribute. A mistrial was declared after the first trial because of counsel's conflict of interest. Case 07-10328

The Ninth Circuit Court of Appeals hears appeals of cases decided by federal agencies and federal trial courts in nine western states and two Pacific Island jurisdictions. The court regularly hears cases in San Francisco, Pasadena, Portland and Seattle, and also travels periodically to other cities within the circuit to hold court. A complete schedule of cases is available online at <http://www.ca9.uscourts.gov>.