



Public Information Office
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NEWS RELEASE

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Court of Appeals to Hold Special Sitting at UC Berkeley School of Law

SAN FRANCISCO – The United States Court of Appeals for the Ninth Circuit will hold a special sitting March 14 at the UC Berkeley School of Law. Oral arguments will be heard beginning at 9:30 a.m. in the Booth Auditorium at Boalt Hall, which is located at Bancroft Way and College Avenue. A photo ID will be required to enter the courtroom.

A three-judge panel consisting of Circuit Judges M. Margaret McKeown of San Diego and Milan D. Smith, Jr., of El Segundo, California, and Senior Circuit Judge John T. Noonan, Jr., of San Francisco, will hear appeals of decisions by the U.S. district courts for the Eastern, Northern and Southern districts of California, and the District of Arizona. Among the cases on the docket are:

- *Rogers v. Dickinson*, in which Calvin P. Rogers, a California state prisoner appeals the Northern California district court's denial of his habeas corpus petition challenging his bench conviction of two counts of robbery. He received a Three Strikes sentence of 75 years to life. He contends there was insufficient evidence identifying him as the robber for one of the bank robberies. Case 09-16152
- *Garcia-Gomez v. Holder*, in which Henry Jose Garcia-Gomez, native and citizen of Nicaragua, petitions for review of the Board of Immigration Appeals' dismissal of his appeal of an immigration judge's decision denying his application for asylum, withholding of removal and relief under the Convention Against Torture (CAT). The immigration judge found that Garcia-Gomez was statutorily ineligible for asylum due to his conviction for possession for sale of a controlled substance, in violation of California Health & Safety Code. The BIA found that the immigration judge correctly concluded that Garcia-Gomez did not meet his burden of proof to establish the standards for withholding or CAT protection. Case 10-72740

- *United States v. Bermudez-Chavez*, in which Victor Bermudez-Chavez (11-10152) and Abelardo Grajeda-Encinas (11-10174) appeal their jury convictions and sentences for conspiracy to possess with intent to distribute 100 kilograms of cocaine, and possession with intent to distribute one kilogram of cocaine. Another defendant, David Alejo Martinez-Grijalva, appeals only his sentence for the same offenses. Case 11-10152, 11-10174, 11-10154
- *United States v. Turner*, in which Marc Turner appeals the Eastern California district court's order denying his motion to terminate the 22-month term of supervised release, which followed an 8-month prison term imposed upon revocation of his prior supervised release. Turner contended that his term of supervised release began to run the day he completed the incarceration portion of his criminal sentence, and that it expired 22 months later. The government filed a certification of a sexually dangerous person the same day Turner's supervised release began to run. He remains in the custody of the Bureau of Prisons awaiting a hearing to determine whether he should be civilly committed under the Adam Walsh Act. Case 11-10038
- *United States v. Bolander*, in which Mikel Bolander appeals the Southern California district court's order denying his motion for an order terminating his term of supervised release. Case 11-50001

The Ninth Circuit Court of Appeals hears appeals of cases decided by executive branch agencies and federal trial courts in nine western states and two Pacific Island jurisdictions. The court normally meets monthly in Seattle, San Francisco and Pasadena, California; every other month in Portland, Oregon; three times per year in Honolulu, Hawaii; and twice a year in Anchorage, Alaska. A complete schedule of cases is available online at <http://www.ca9.uscourts.gov>.

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