



JUNE 8 - 12, 2009
ST. PAUL, MINNESOTA

James B. Loken, Chief Judge - Minneapolis, Minnesota

Circuit Judges in Active Service

Roger L. Wollman - Sioux Falls, SD
Diana E. Murphy - Minneapolis, MN
Kermit E. Bye - Fargo, ND
William Jay Riley - Omaha, NE
Michael J. Melloy - Cedar Rapids, IA
Lavenski R. Smith - Little Rock, AR
Steven M. Colloton - Des Moines, IA
Raymond W. Gruender - St. Louis, MO
Duane Benton - Kansas City, MO
Bobby E. Shepherd - El Dorado, AR

Circuit Judges Who Have Taken Senior Status

Myron H. Bright - Fargo, ND
John R. Gibson - Kansas City, MO
Pasco M. Bowman - Kansas City, MO
C. Arlen Beam - Lincoln, NE
David R. Hansen - Cedar Rapids, IA
Morris S. Arnold - Little Rock, AR

NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

Court will be held in the Warren E. Burger Federal Building & U.S. Courthouse at 316 N. Robert Street, St. Paul, Minnesota. Counsel presenting oral argument should report to the Clerk's Office, Room 500, 30 minutes before Court convenes.

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. *Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.*

Michael E. Gans
Clerk of Court
www.ca8.uscourts.gov

The following visiting judge will sit with the court in June:

***Honorable Stephen N. Limbaugh, Jr.
U.S. District Judge
Cape Girardeau, Missouri**

**DIVISION I
Courtroom 5A**

**MONDAY, JUNE 8, 2009
BEFORE JUDGES MURPHY, ARNOLD, GRUENDER**

| | | | |
|---------|----|---|---------------|
| 09-1202 | NE | United States v. Schuyler Tafoya | NO ARG |
| 09-1155 | NI | United States v. Jermaine Harris | NO ARG |
| 09-1095 | NI | United States v. Eddie Denton | NO ARG |
| 08-3407 | | Mwape Chibwe, et al. v. Eric H. Holder, Jr. | NO ARG |
| 08-3260 | SI | United States v. Matthew Acosta | NO ARG |

**TUESDAY, JUNE 9, 2009 BEGINNING AT 9:00 AM
BEFORE JUDGES MURPHY, ARNOLD, GRUENDER**

| | | | | |
|---|---------|----|--|----|
| 1 | 08-3547 | SI | Timothy Merriam, et al. v. National Union Fire Insurance Company, et al. | 20 |
| 2 | 08-3177 | MN | United States of America v. Todd Ladoucer | 15 |
| 3 | 08-3661 | MN | David Eastling, et al. v. BP Products North America | 15 |
| 4 | 08-3418 | MN | United States v. Levi Livingstone | 10 |
| 5 | 08-3819 | SI | United States v. Gerald Gammage | 10 |

**WEDNESDAY, JUNE 10, 2009 BEGINNING AT 9:00 AM
BEFORE JUDGES MURPHY, ARNOLD, GRUENDER**

| | | | | |
|---|---------|----|---|----|
| 1 | 08-3402 | ND | United States v. Shane Anderson | 15 |
| | 08-3436 | ND | United States v. Shane Anderson | |
| 2 | 08-3391 | | Tim Tian v. Eric H. Holder, Jr. | 15 |
| 3 | 08-3238 | ND | Timothy Moore, et al. v. American Family Mutual Insurance Company | 15 |
| 4 | 08-3730 | MN | Gavin Moyle, et al. v. Bruce Anderson, et al. | 15 |
| 5 | 08-3229 | MN | United States v. Quincy Tolliver | 10 |

**DIVISION I
Courtroom 5A**

**THURSDAY, JUNE 11, 2009 BEGINNING AT 9:00 AM
BEFORE JUDGES LOKEN, GIBSON, GRUENDER**

| | | | | |
|---|---------|----|--|----|
| 1 | 08-3287 | ND | United States v. Racing Services, et al. | 15 |
| 2 | 08-3320 | SD | United States v. Matthew Stymiest | 15 |
| 3 | 08-3607 | MN | Minnesota Deli Provisions v. Boar's Head Provisions, et al. | 15 |
| 4 | 08-3816 | MN | United States v. Edward Smith | 10 |
| 5 | 08-3230 | MN | Paul Sipe v. Workhorse Custom Chassis | 15 |

**FRIDAY, JUNE 12, 2009 BEGINNING AT 8:30 AM
BEFORE JUDGES LOKEN, GIBSON, GRUENDER**

| | | | | |
|---|---------|----|--|----|
| 1 | 08-3763 | SI | United States v. Kerwin Summage | 15 |
| 2 | 08-3847 | SI | United States v. Theodore Browne | 10 |
| 3 | 08-3616 | NI | United States v. William Jenkins, III | 10 |
| 4 | 08-3960 | NE | United States v. David Tabor | 10 |
| 5 | 08-3802 | SI | United States v. Rolando Rodriguez-Valdovinos | 10 |

**DIVISION II
Courtroom 5B**

**MONDAY, JUNE 8, 2009
BEFORE JUDGES SMITH, SHEPHERD, *LIMBAUGH**

| | | | |
|---------|----|-------------------------------------|---------------|
| 08-3832 | NE | United States v. Michael Shropshire | NO ARG |
| 09-1053 | NE | United States v. Robert Webster | NO ARG |
| 09-1126 | NE | United States v. Paul Keating | NO ARG |
| 09-1199 | NI | United States v. Jeremy Moore | NO ARG |
| 09-1221 | NE | United States v. Billy Wright | NO ARG |

**TUESDAY, JUNE 9, 2009 BEGINNING AT 9:00 AM
BEFORE JUDGES SMITH, SHEPHERD, *LIMBAUGH**

| | | | |
|---|---------|--|----|
| 1 | 08-3291 | National Labor Relations Board, et al. v. Whitesell Corporation | 20 |
| 2 | 08-3322 | MN Wallace Beaulieu v. State of Minnesota | 15 |
| 3 | 08-3590 | NI United States v. Alejandro Valadez | 10 |
| 4 | 08-3157 | MN United States v. John Smith | 10 |
| 5 | 08-3288 | MN United States v. Refugio Pliego | 10 |

**WEDNESDAY, JUNE 10, 2009 BEGINNING AT 9:00 AM
BEFORE JUDGES SMITH, SHEPHERD, *LIMBAUGH**

| | | | |
|---|---------|--|----|
| 1 | 07-3878 | ND United States v. Frederick Keiser, Jr. | 20 |
| | 08-3800 | ND United States v. Frederick Keiser, Jr. | |
| 2 | 08-3196 | Estate of Duane B. Farnam, et al. v. Commissioner of Internal Revenue | 15 |
| 3 | 08-3205 | MN United States v. Robert Beale | 15 |
| 4 | 08-3326 | SD Lemlem Kebede v. Hayley Hilton | 10 |
| 5 | 08-3574 | MN United States v. Gregory Tyler | 10 |

**BEGINNING AT 3:00 PM
BEFORE JUDGES BYE, BEAM, SHEPHERD**

| | | | |
|---------|----|--|----|
| 08-1747 | EM | Semi-Materials v. MEMC Electronic Materials, et al. | 15 |
|---------|----|--|----|

**DIVISION II
Courtroom 5B**

**THURSDAY, JUNE 11, 2009 BEGINNING AT 9:00 AM
BEFORE JUDGES MELLOY, BEAM, COLLOTON**

| | | | | |
|---|---------|----|---|----|
| 1 | 08-3019 | MN | C.N. v. Willmar Public Schools, et al. | 20 |
| 2 | 07-3460 | | Olivia Kipkemboi, et al. v. Eric H. Holder, Jr. | |
| | 08-1812 | | Olivia Kipkemboi, et al. v. Eric H. Holder, Jr. | 15 |
| 3 | 08-3515 | SD | United States v. Steve Buchanan | 15 |
| 4 | 08-3577 | MN | Diane Blodgett, et al. v. John Stuebner | 10 |
| 5 | 08-3663 | SD | United States v. Tamara Azure | 15 |

**FRIDAY, JUNE 12, 2009 BEGINNING AT 8:30 AM
BEFORE JUDGES MURPHY, SMITH, SHEPHERD**

| | | | | |
|---|---------|----|-----------------------------------|----|
| 1 | 08-3249 | SI | United States v. Robert McClellon | 15 |
| 2 | 08-3561 | SI | United States v. Edward Booker | 15 |
| 3 | 08-3350 | SI | United States v. Tracy Barnett | 10 |
| 4 | 08-3629 | NI | United States v. Daniel Binion | 10 |
| 5 | 08-3821 | NI | United States v. George Tonks | 10 |

**DIVISION III
Courtroom 5C**

**MONDAY, JUNE 8, 2009
BEFORE JUDGES COLLOTON, GIBSON, BEAM**

| | | | |
|---------|----|---------------------------------|---------------|
| 08-3659 | NE | United States v. Tommie Akins | NO ARG |
| 09-1164 | MN | United States v. Deshaun Murphy | NO ARG |
| 08-3719 | NE | United States v. Keith Brooks | NO ARG |
| 08-3794 | SI | United States v. Eric Ultsch | NO ARG |
| 08-3828 | NI | United States v. Derrick Ware | NO ARG |

**TUESDAY, JUNE 9, 2009 BEGINNING AT 9:00 AM
BEFORE JUDGES COLLOTON, GIBSON, BEAM**

| | | | | |
|---|---------|----|---|----|
| 1 | 08-3137 | MN | United States v. Armando Ybarra | 15 |
| 2 | 08-3208 | MN | United States v. Juan Estrada | 10 |
| 3 | 08-3609 | NE | Rodney Cook v. Union Pacific Railroad | 15 |
| 4 | 08-3165 | MN | Jessica Baribeau, et al. v. City of Minneapolis, et al. | 15 |
| 5 | 09-1023 | SI | United States v. Deonta Stigler | 10 |

**WEDNESDAY, JUNE 10, 2009 BEGINNING AT 9:00 AM
BEFORE JUDGES COLLOTON, GIBSON, BEAM**

| | | | | |
|---|---------|----|---|----|
| 1 | 08-3221 | MN | Rashard Zanders, et al. v. Lori Swanson, et al. | 15 |
| 2 | 08-3497 | MN | United States v. Christopher Gray | |
| | 08-3587 | MN | United States v. Darryl Brown | 15 |
| 3 | 08-3425 | MN | United States v. Kevin Morse | 15 |
| 4 | 08-3640 | MN | Eyeblaster v. Federal Insurance Company | 15 |
| 5 | 08-3936 | MN | United States v. Marek Struzik | 10 |

**DIVISION III
Courtroom 5C**

**THURSDAY, JUNE 11, 2009 BEGINNING AT 9:00 AM
BEFORE JUDGES SMITH, ARNOLD, SHEPHERD**

| | | | | |
|---|---------|----|--|----|
| 1 | 08-3284 | | Iowa Department of Human Services v. Centers for Medicare and Medicaid Services | 15 |
| 2 | 08-3027 | MN | Marlene Betz v. Michael Chertoff | 15 |
| 3 | 08-3354 | SD | United States v. Joseph Espinosa, Sr. | 15 |
| 4 | 08-2294 | MN | David Christian v. Lynn Dingle | 15 |
| 5 | 08-3432 | SD | Taco John's, et al. v. Bix Produce Company | 15 |

**FRIDAY, JUNE 12, 2009 BEGINNING AT 8:30 AM
BEFORE JUDGES MELLOY, BEAM, COLLOTON**

| | | | | |
|---|---------|----|----------------------------------|----|
| 1 | 08-3633 | NI | United States v. Gokgok Puok | 10 |
| 2 | 09-1451 | NI | United States v. Knothbang Yuot | 10 |
| 3 | 08-3714 | NI | United States v. Emerson Jackson | 10 |
| 4 | 08-3769 | NI | United States v. Jay Beane | 10 |
| 5 | 08-3775 | NI | United States v. Gene Smith | 10 |