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An Empirical Analysis of Reversal Rates in the Eighth Circuit During 2008

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AN EMPIRICAL ANALYSIS OF REVERSAL RATES IN THE EIGHTH CIRCUIT DURING 2008

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What is the effect of politics on judicial decision making? Specifically, what impact, if any, does the political party with which a district court judge is affiliated have on the likelihood that the judge will be reversed on appeal? An extensive examination of 1,068 district court decisions that were reviewed by the Court of Appeals for the Eighth District in 2008 suggests that there is a correlation between a district court judge's political affiliation and the rate at which the judge was reversed on appeal. Based on a careful logistic regression analysis, the results of this study reveal that district court judges who are affiliated with the Democratic Party were reversed on appeal by the Eighth Circuit—which currently has fourteen Republican and three Democratic appellate court judges—1.536 times more often than district court judges who are affiliated with the Republican Party. This study does not imply that politics is a direct and nefarious cause of the higher reversal rates of the Democratic judges. However, it does demonstrate that there is a latent but discernible correlation between a district court judge's political party affiliation and the propensity of the Eighth Circuit to reverse the judge's decisions.

Much has been written about the effect of politics on judicial decision making.[1] Using this large body of scholarship as a predicate

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for my analysis, I wanted to conduct a one-year, snapshot empirical analysis of the effect of political affiliation and other characteristics of U.S. district court judges on the likelihood that they would be reversed by the court of appeals that governs the geographic area in which I teach law—the Eighth Circuit. I considered the following independent variables for my logistic regression analysis of each district court judge: the judge's political affiliation, the judge's status (i.e., whether the judge has active or senior status), the number of appeals taken from the judge's decisions (i.e., whether the judge's decisions were appealed significantly more often than those of other judges), the type of case taken on appeal (e.g., civil or criminal), and the interactions of all of these variables along with the judge's political party affiliation. The dependent variable was the likelihood of reversal by the U.S. Court of Appeals for the Eighth Circuit in 2008.

These variables were chosen to examine the following hypotheses:

1. Does the political affiliation of a district court judge correlate to how likely he or she is to be overturned? A positive correlation could be caused by a disparity in the view of the law, the view of the role of judges, or the political and world views of the district court judge and the court of appeals. These certainly are not the only possible explanations. For example, the appellate court could also be biased against judges belonging to a particular political party, which would make the appellate court more likely to overturn a district court judge who belongs to another party. However, in this study, I strive only to determine whether

1. *See, e.g.*, LEE EPSTEIN & JEFFREY A. SEGAL, ADVICE AND CONSENT: THE POLITICS OF JUDICIAL APPOINTMENTS (2005); DUNCAN KENNEDY, A CRITIQUE OF ADJUDICATION (1997); RICHARD A. POSNER, HOW JUDGES THINK (Harvard Univ. Press 2008); CASS R. SUNSTEIN, ARE JUDGES POLITICAL? AN EMPIRICAL ANALYSIS OF THE FEDERAL JUDICIARY (2006); Stephen J. Choi & G. Mitu Gulati, *Bias in Judicial Citations: A Window into the Behavior of Judges?*, 37 J. LEGAL STUD. 87 (2008); Harry Edwards, *The Judicial Function and the Elusive Goal of Principled Decisionmaking*, 1991 WIS. L. REV. 837 (1991); Richard A. Epstein, *The Independence of Judges: The Uses and Limitation of Public Choice Theory*, 1990 BYU L. REV. 827 (1990); F. Andrew Hanssen, *Learning About Judicial Independence: Institutional Change in the State Courts*, 33 J. LEGAL STUD. 431 (2004); Joanna M. Shepard, *The Influence of Retention Politics on Judges' Voting*, 38 J. LEGAL STUD. 169 (2009); Nancy C. Staudt, *Modeling Standing*, 79 N.Y.U. L. REV. 612 (2004).

there is a correlation and leave to a later day a full explanation as to the causes.

2. Does a district court judge's status as an active or as a senior judge correlate to the judge's reversal rate? A positive correlation could be caused by the actual decreased competence of the district court judge incident to age. It could be caused by the appellate court's *perceived* decrease in competence of the district court judge incident to age. It could be caused by a different world view not reflected in political identity. A negative correlation could be caused by the increased competence of the district court judge incident to age—or the appellate court's *perceived* increase in competence of the district court judge incident to age. Equally, other possible explanations could be posited, and those would be explored later if a correlation is shown to exist.
3. Does the number of appeals taken from the district court judge's decisions correlate to the judge's reversal rate? A positive correlation could reflect the legal community's understanding that the district court judge at issue is less competent than the norm. Thus, under this theory, lawyers would appeal this judge's decisions more often, and consequently, the appellate court would reverse this judge more often. Equally, other possible explanations could be posited, and those would be explored later if a correlation is shown to exist.
4. Does the type of case decided by the district court judge and taken on appeal (e.g., civil or criminal) correlate to the judge's reversal rate? A positive correlation might show the appellate court's propensity to not intervene in one type of case as opposed to another. If a positive correlation is shown to exist, further investigation could be conducted into whether district courts rule differently depending on the case type. If so, the positive correlation might reflect this difference in judicial behavior at the trial court level. Other possible explanations could be posited, and those would be explored later if a correlation is shown to exist.

Other potential collinear variables were avoided,[2] and the interactions of the above terms were examined. For example, are liberal district court judges' decisions in criminal cases, specifically, more likely to be overturned? A positive correlation could show a particular behavior by liberal district court judges in these cases that is disfavored by the court of appeals, with no similar disconnect with respect to civil cases. Maybe these district court judges do not understand search-and-seizure law from the perspective of the court of appeals, which is an issue that would never arise in civil cases. Maybe the appellate court believes that it is more important to keep the district court judges in check in criminal cases because it views criminal cases as being more important than civil cases. Other possible explanations could exist and those would be explored later.

In addition to this statistical analysis, I analyzed those reversals that were based on an abuse of discretion standard because this is the most severe disapproval that district court judges can encounter in the course of having their decisions reversed by the court of appeals. I provide both of these analyses below.

The analyses revealed a statistically significant correlation between a district court judge's political party affiliation and that judge's reversal rate. Democratic district court judges in the Eighth Circuit were reversed at a significantly higher rate than their Republican counterparts. None of the other factors correlated significantly with a judge's likelihood of reversal. This result, discussed below, likely reflects the fact that the judicial philosophy of the Eighth Circuit—which is largely Republican—is more in line with the philosophy of Republican district court judges than with Democratic district court judges. This study provides further support for the conclusion that judicial decision making is more than a mechanical exercise, but rather a product of many factors, including a judge's political views.

OBJECTIVE

The objectives of my study are twofold: (1) to determine whether a district court judge's likelihood of reversal is affected by

2. *See, e.g.*, Kevin M. Clermont & Theodore Eisenberg, *Cafa Judicata: A Tale of Waste and Politics*, 156 U. PA. L. REV. 1553, 1585 (2008) (showing a correlation between district court judges' political affiliation and their rulings for or against a particular party (i.e., plaintiff or defendant)).

the judge's political party affiliation; and (2) to provide a qualitative analysis of reversals based on an abuse of discretion standard.

To assess a judge's likelihood of reversal based on political party affiliation, I considered the following factors for each district court judge in the Eighth Circuit:

- Political party affiliation of the district court judge (0 = Democrat, 1 = Republican)
- Status of the district court judge (0 = active status, 1 = other (senior) status)
- Number of appeals against the district court judge's decisions
- Types of cases that are appealed (0 = civil and other combined,[3] 1 = criminal and Habeas combined)

My analysis demonstrates that political party affiliation correlates significantly with a given district court judge's rate of reversal.

METHODS

A team of exceptional law students at the University of Georgia School of Law, statisticians, and I developed and implemented a plan to conduct the investigational inquiry for this Article. We gathered all Eighth Circuit cases decided in 2008 from Westlaw.[4] That group was narrowed to the 1,068 cases decided by district court judges, thus removing from consideration appellate review of cases in which parties appealed from decisions by magistrate judges, the Board of Immigration Appeals, the National Labor Relations Board, and any other administrative boards in which no district court judge had been involved.

The 1,068 cases were then sorted based on the district court judge who had originally decided the appealed case. In those instances where the appellate court did not identify the district court judge below, the docket was reviewed to reveal which district court judge issued the order. The cases were further sorted based on the type of case: civil, criminal, habeas, or other. Cases classified as "other" included, *inter alia*, bankruptcy, tax, social security, welfare

3. See *infra* Methods for full explication.

4. *See infra* Table D. Needless to say, the law students carried the burden of pulling and printing the cases for this study.

benefits matters, attorney disciplinary proceedings, orders for persons to proceed *in forma pauperis*, motions to withdraw as counsel, arbitration awards, securities regulation, and juvenile cases. The number of cases that fell into the "other" category was small.

The cases were next sorted based on the holding at the circuit court level: affirmed or reversed, which included cases that were vacated. If a case was affirmed in part and reversed in part, it was designated as "reversed" for the purposes of this analysis because the case reflected at least some disapproval by the court of appeals. Finally, the reversals were sorted based on the reason for reversal: abuse of discretion, clear error and other grounds, or de novo review of law. The category "clear error and other grounds" includes cases reversed for plain error, procedural error, and cases in which the reversal standard was not clearly stated. The number of cases that fell into this category was very small.[5] The cases that were reversed on two alternative standards were included under both categories. The cases in each of the categories were recorded in the tables below, arranged by district court judge, with judges in the same district grouped together.

Each of the district court judges was identified with a political party. The political party associated with each judge in this analysis is based on the political party of the U.S. president who appointed the district court judge.[6] The political designation of the appointing president may not always reflect the individual judge's actual political philosophy, but many believe that it serves as a fair and

5. *See* HARRY EDWARDS & LINDA ELLIOT, FEDERAL COURTS STANDARDS OF REVIEW 3, 5–8 (2007).

6. *See* Cass R. Sunstein, David Schkade & Lisa Michelle Ellman, *Ideological Voting on Federal Courts of Appeals: A Preliminary Investigation*, 90 VA. L. REV. 301, 302–03 (2004) ("Many people believe that political ideology should not and generally does not affect legal judgments, and this belief contains some truth. . . . It might be predicted that even when the law is unclear, ideology does not matter; the legal culture imposes a discipline on judges, so that judges vote as judges, rather than as ideologues. Or it might be predicted that in hard cases, the judges' attitudes' end up predicting their votes, so that liberal judges show systematically different votes from those of conservative judges. . . . It is extremely difficult to investigate these questions directly. It is possible, however, to identify a proxy for political ideology: the political affiliation of the appointing president. Presidents are frequently interested in ensuring that judicial appointees are of a certain stripe.").

objective proxy for the judge's political philosophy and political party affiliation.[7]

Some district court judges may hear fewer cases than others because of, for example, senior status, so the district court judges were also categorized by status as either "active" or "other."[8] Judges characterized as "other" were well into their senior status when they issued the decisions that were reviewed by the court of appeals. For the purposes of this analysis, "active judges" are defined as those judges who carried full case loads as of November 2006. I chose this date for two reasons. First, I picked a date when a judge would have been active at the time he or she decided the case that was reviewed on appeal or immediately after the judge transitioned to senior status on the belief that the new senior status would not immediately reflect any potential decline in the judge's overall caseload. Second, this date served as a logical division point given that many judges transitioned to senior status around this time. While imperfect, the November 2006 date allowed me to err on the side of inclusion rather than exclusion of judges in the "active" category. District court judges in the Eighth Circuit appointed in 2008 were omitted from the analysis because none of their cases were appealed in 2008.[9]

Finally, all of the reversals based on the abuse of discretion standard from the data set were isolated and analyzed. Those cases involving sentencing guidelines were segregated, given the state of flux still existing in this area of the law during the time period being examined.[10] From the remaining cases that were reversed based on

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7. Biographical information for each judge was drawn from the Federal Judicial Center, Judges of the United States Courts, Biographical Directory of Federal Judges, http://www.fjc.gov/history/home.nsf (last visited Feb. 6, 2010).

8. Judges close to retirement have been shown to be less productive. Stephen J. Choi, Mitu Gulati & Eric A. Posner, *Professionals or Politicians: The Uncertain Empirical Case for an Elected Rather Than Appointed Judiciary*, 3 J.L. ECON. & ORG. (forthcoming 2009), *available at* http://jleo.oxfordjournals.org/cgi/content/abstract/ewn023v1. Of course, this does not necessarily mean that these judges are more prone to being reversed.

9. The omitted judges are Brian Stacy Miller and David Gregory Kays.

10. *See, e.g.*, United States v. Booker, 543 U.S. 220 (2005) (finding unconstitutional the mandatory nature of the Federal Sentencing Guidelines because facts not found by the jury were used in determining the defendant's sentence). *Booker*, however, left open many questions regarding sentencing. Justice Alito, in his dissent in one of the subsequent Supreme Court sentencing guidelines cases, *Gall v. United States*, 552 U.S. 38, 62–63 (2007), described the difficulty with the *Booker* line of cases as follows:

> In *Booker*, a bare majority held that the Sentencing Reform Act of 1984 (Sentencing Reform Act) violated the Sixth Amendment insofar as it required district judges to follow the United States Sentencing Guidelines, but another bare majority held that this

the district court's abuse of discretion, those judges who had were reversed only once based on this standard were further segregated, and the remaining judges are listed as having a sufficient number of reversals based on an abuse of discretion standard so as to warrant mention. In addition, synopses of all of the cases reversed based on an abuse of discretion standard are provided in table C below.

STATISTICAL RESULTS

The response variable "reversal" is binary with two possible levels: reversed and not reversed. Since the goal of this study was to model the likelihood of reversal as a function of political party affiliation (Democrat or Republican), status (active or other), number of decisions issued by the district court judge that were appealed in 2008, type of case appealed (e.g., civil or criminal) and their interactions, we chose the logistic regression approach.

A logistic regression analysis is used to model the conditional probability of a certain event (in this case, reversal) given a set of explanatory variables. Letting p denote the probability of an event and letting $\{X_1, \ldots, X_k\}$ denote the set of explanatory variables, the logistic model can be written as follows, where β_0 is the intercept, $\{\beta_1, \ldots, \beta_k\}$ are the regression coefficients, and *ln* is the natural logarithm function:

> defect could be remedied by excising the two statutory provisions, 18 U.S.C. §§ 3553(b)(1) and 3742(e), that made compliance with the Guidelines mandatory. As a result of these two holdings, the lower federal courts were instructed that the Guidelines must be regarded as "effectively advisory," and that individual sentencing decisions are subject to appellate review for "reasonableness." The *Booker* remedial opinion did not explain exactly what it meant by a system of "advisory" guidelines or by "reasonableness" review, and the opinion is open to different interpretations.

Gall, 552 U.S. at 62–63 (citations omitted) (internal quotation marks omitted).

Before Gall reached the Supreme Court, the Eighth Circuit, in an opinion written by Chief Judge James B. Loken, reversed the district court's imposition of a sentence below the then (and now) advisory sentencing guidelines. Gall v. United States, 446 F.3d 884 (8th Cir. 2006). The Eighth Circuit found that the district court had abused its discretion in deviating from the guidelines. The Supreme Court, however, held that the Eighth Circuit erred in finding that the district court abused its discretion. *Gall*, 552 U.S. at 56.

Interestingly, Chief Judge Loken stated that one of the grounds for reversal was that "[s]ubstantially reducing the resulting guidelines range sentence based upon drug quantity [as the district court had done] is unreasonable because it is a fair inference that Claiborne distributed additional quantities of cocaine during the six months between the two occasions interdicted by the police." Thus, notwithstanding *Booker*, the Chief Judge not only considered facts not found by the jury, but, indeed, assumed them completely. In a subsequent guidelines case in the Eighth Circuit, Chief Judge Loken joined the dissent in claiming that *Gall* was more limited than that which the majority held *en banc*. United States v. Burns, 577 F.3d 887, 898–907 (2009).

$$\ln\left(\frac{p}{1-p}\right) = \beta_0 + \beta_1 X_1 + \cdots + \beta_k X_k$$

One can use the logistic model to predict the probability of reversal given any set of $\{X_1, \ldots, X_k\}$ values. Given that *exp* is the exponential function—the inverse function of *ln*—the prediction equation is:

$$P(reversal|X_1, \ldots, X_k) = \frac{\exp(\beta_0 + \beta_1 X_1 + \cdots + \beta_k X_k)}{1 + \exp(\beta_0 + \beta_1 X_1 + \cdots + \beta_k X_k)}$$

If the parameter β_1 is significantly different from zero, then it means that X_1 has a significant effect on the likelihood of reversal.

We set the significance level at $\alpha = 0.05$, which is a common standard in the natural and social sciences. Setting this as a cutoff means that we only accepted conclusions where there is a 95 percent or greater chance that the observed correlation is not spurious.[11] We first used one explanatory variable at a time in the logistic regression model to examine whether each variable by itself helps explain the probability of reversal. The statistical analysis demonstrates that only political party affiliation is significant at level $\alpha = 0.05$, where $p = 0.0070$ (less than 0.05).

Next, we combined all explanatory variables and their interactions to determine whether each variable is significant in the presence of other explanatory variables. All the interactions that we considered were not significant. Therefore, these interactions were removed from the logistic model and only the primary effects of the variables were kept in the model. As shown below, political party is the only variable that remains significant in the presence of other variables.

11. *See* Creative Research Systems, Significance in Statistics & Surveys, http://www.survey system.com/signif.htm (last visited Feb. 6, 2010).

Model	Explanatory Variables	*p* Value	AIC	BIC
1	Status of Judge	0.2669	1015	1025
2	***Political Party***	***0.0070***	***1009***	***1019***
3	Number of Appeals	0.0838	1014	1023
4	Type of Case Appealed	0.1700	1015	1025
5	Status of Judge	0.3706	1012	1037
	Political Party	0.0264		
	Number of Appeals	0.1983		
	Type of Case Appealed	0.3300		

Based on the Akaike Information Criterion (AIC) and the Schwartz Baysian Information Criterion (BIC) model selection criteria,[12] Model 2 is the best model and, therefore, is used for making inferences. According to Model 2, political party is a significant variable (*p* value = 0.0070) that affects the probability of reversal. From the attached output below, we can see that the coefficient for party = 0 (Democrat) is significantly positive, meaning that the probability of reversal for a Democratic district

12. AIC and SBC are two criteria used to pick the best model from a hierarchy of models. These criteria are from a class of functions known as "penalized loss functions." All of these functions try to maximize the likelihood of the model. This approach penalizes for the number of parameters to maintain a good fit with as few parameters as possible. AIC does not penalize as heavily as does SBC, so it sometimes yields more complex models. The formulas for AIC and SBC are as follows:

$$AIC(p) = -2 * \ln(L(p)) + p * 2$$

$$SBC(p) = -2 * \ln(L(p)) + p * \ln(n)$$

L(p) is the likelihood function of the *p* parameter model, *p* is the number of parameters, and *n* is the number of observations. AIC penalizes 2 units for each parameter, whereas SBC penalizes by the natural logarithm of the sample size, which is greater than 2 if the sample size is greater than 7, which is almost always the case.

In this study, Model 2 (a 2-parameter model including only intercept and party) won based on both AIC and SBC criteria. Model 5 (a 5-parameter main effects model) had a better fit (smaller value for -2 * ln(L)), but its improvement over Model 2 could not be justified by the addition of 3 extra parameters. Even the best 3-parameter model (using intercept, party, and type) did not improve significantly enough as compared to the 2-parameter model to warrant its selection.

court judge is higher than the probability of reversal for a Republican district court judge in the Eighth Circuit. The odds ratio of party = 0 (Democrat) versus party = 1 (Republican) is 1.536, where:

$$odds = \frac{p}{1-p}$$

$$odds\ ratio = \frac{odds\ of\ party = D}{odds\ of\ party = R} = 1.536,$$

Thus, the odds of reversal for a Democratic district court judge is 1.536 times greater than the odds of reversal for a Republican district court judge in the Eighth Circuit. Other variables do not significantly affect the probability of reversal. Thus, the output for the chosen model—Model 2—is as follows:

Type 3 Analysis of Effects			
Effect	**DF**	**Wald Chi-Square**	**Pr > Chi-Square**
Party	1	7.2698	0.0070

Analysis of Maximum Likelihood Estimates					
Parameter	**DF**	**Estimate**	**Standard Error**	**Wald Chi-Square**	**Pr > Chi-Square**
Intercept	1	-1.7047	0.1121	231.1461	< 0.0001
Party = 0	1	0.4294	0.1593	7.2698	0.0070

Odds Ratio Estimates			
Effect	**Point Estimate**	**95% Wald Confidence Limits**	
Party: 0 vs. 1	1.536	1.124	2.099

RESULTS FOR ABUSE OF DISCRETION CASES

Appellate courts review district court decisions under various standards. The three most common standards—de novo review of law, abuse of discretion, and clear error—apply to the review of district court judges' decisions,[13] and the plain error standard of review, sometimes referred to as the "manifest injustice" standard of review, supplants the three primary standards of review for issues raised for the first time on appeal.[14] Of course, the standard employed by the appellate court differs depending on which action by the district court the appellate court is reviewing. Of the enumerated standards, the standard that is most deferential to the district court's affirmative decision making is the abuse of discretion standard.

Courts exercise discretion in all areas of decision making. The district court judges exercise discretion when faced with conditions that require a certain measure of judgment in reaction to their presence at trial or because there are no guidelines for deciding the issue.[15] "Major among such areas are trial supervision, conduct of the parties, and admission (or rejection) of evidence."[16]

The test to determine whether a district court judge has abused his or her discretion has been articulated in various formulations: "The question . . . is not whether . . . the Court of Appeals[] would as

13. EDWARDS & ELLIOT, *supra* note 5, at 5–8.

14. *Id.* Other less common standards of review exist, particularly those created by statute. Tandon Corp. v. U.S. Int'l Trade Comm'n, 831 F.2d 1017, 1019 (Fed. Cir. 1987) ("5 U.S.C. § 706, subparagraph (2)(E), imposes the 'substantial evidence' standard of review on Commission findings and conclusions. There is a significant difference between the standards of 'substantial evidence' and of 'clearly erroneous.'").

15. Martha S. Davis, *Standards of Review: Judicial Review of Discretionary Decisionmaking*, 2 J. APP. PRAC. & PROCESS 47, 49 (2000).

16. *Id.* at 50.

an original matter have . . . [acted as did the District Court, but] whether the District Court abused its discretion in so doing."[17]

> When reviewing discretionary decisions for abuse, the reviewing court seeks to determine whether and when the bounds of discretion seem to have been overreached . . . . [A]buse of guided discretion occurs either when the decisionmaker has considered incorrect factors (or has failed to consider necessary factors) in applying his discretion, or when his exercise of discretion (the choice he makes within his authority) is contrary to the evidence or experience, or is so arbitrary, on its own terms, that the appellate court feels compelled to reject the actual choice. Reversal may be ordered because the process of the decisionmaking (rather than the decision itself) is unacceptable. The appellate court may also reverse for some combination of these errors, but still is generally deferential to the overall process and decision and will refuse to reverse exercises of discretion hastily or lightly.[18]

Chief Justice Marshall stated that "discretionary choices are not left to a court's 'inclination, but to its judgment; and its judgment is to be guided by sound legal principles.'"[19]

> Abuse is found when the district court has gone outside the framework of legal standards or statutory limitations, or when it fails to properly consider the factors on that issue given by the higher courts to guide the discretionary determination. However, when the district court judge makes a decision within the legal standards and takes the proper factors into account in the proper way, his decision is protected even if not wise. The appellate court is not reviewing the decision but, instead, the manner of making it.[20]

A reversal under this standard typically—although not invariably—represents the most significant departure from proper active judicial decision making by a district court judge. As a

17. *Id.* (quoting Nat'l Hockey League v. Metro. Hockey Club, 427 U.S. 639, 642 (1976)).

18. *Id.* at 54–55.

19. *Id.* at 58 (quoting United States v. Burr, 25 F. Cas. 30, 35 (Va. Cir. Ct. 1807)).

20. *Id.* at 59.

consequence, repeated instances of such behavior are worth mentioning.

The following district court judges were found to be reversed in more than one case by the Court of Appeals for the Eighth Circuit based on an abuse of discretion standard:

- Judge Gary A. Fenner, Western District of Missouri
- Judge Fernando J. Gaitan, Jr., Western District of Missouri
- Judge Jean C. Hamilton, Eastern District of Missouri
- Judge Charles B. Kornmann, District of South Dakota
- Judge Nanette K. Laughrey, Western District of Missouri
- Judge James M. Rosenbaum, District of Minnesota
- Judge Karen E. Schreier, District of South Dakota
- Judge William R. Wilson, Jr., Eastern District of Arkansas

This list does not include judges who were reversed in cases involving sentencing guidelines, given the state of flux of this area of the law during the time period being examined.[21] The above list is, not surprisingly, quite short. As a consequence, no reliable statistical analysis as to the effect of the judge's political party affiliation, status as an active or senior judge, the number of appeals taken against the judge, the types of cases that were reversed, and the interactions of these factors on the likelihood of reversal based *solely* on an abuse of discretion could be conducted.

CONCLUSIONS

The results of this study demonstrate that the similarity in political party affiliation between the judges who sit on the Court of Appeals for the Eighth Circuit judges and the district court judges they oversee correlates with the district court judges' reversal rate.

The Eighth Circuit is largely Republican. The Eighth Circuit has fourteen Republican and three Democratic appellate court judges, and seven of the active judges were all appointed by President George W. Bush. In 2008, this predominantly Republican court reversed Democratic district court judges at a higher rate than their

21. Davis's article suggests that reversals under this standard are less egregious for legal issues that "are novel, or vague, or without guiding law." *Id.* at 54. Sentencing guidelines cases during the time examined fit well into this category of issues.

Republican counterparts. This study supports the conclusion that judicial decision making is more than a mechanical exercise; it is instead a product of many factors including a judge's political and world views. This study suggests that when the political and world views of the appellate court judges align with those of a district court judge in a subordinate court, the district court judge's decisions are less likely to be reversed by the appellate court.

It should be noted that there is no evidence in this study to suggest that politics was a direct and nefarious cause of the higher reversal rate of Democratic judges. In other words, *this* study does not suggest that the judges on the Eighth Circuit directly considered the political party affiliation of any given district court judge in deciding whether to reverse a case.[22] This study does demonstrate, however, that there is a latent but discernible correlation between a district court judge's political party affiliation and the propensity of the Eighth Circuit to reverse the judge's decisions.

TABLES

Below are several tables that provide the data that underlie this investigation.

Table A: Statistics on Appeals and Reversals

This table provides the number of cases decided by each district court judge that were taken on appeal, categorized by the type of case (civil, criminal, habeas, or other) and the corresponding data on reversals. Further, the table lists each judge's political party affiliation, status as active or "other" (senior), and the district court on which the judge sits. From this table, the reader can see how often each district court judge was appealed, which types of cases were appealed, how often the judge was reversed, and which types of

22. *See* Stephen B. Burbank, *Accountability to the Past, Present and Future: Precedent, Politics and Power*, 28 U. ARK. LITTLE ROCK L. REV. 19, 48 (2005) ("I draw a distinction between ideology in the weak sense of the preferences as to political, social, and economic arrangements that all sentient adults, and hence all judges, have and that inevitably affect decisions in which there is an element of discretion, on the one hand, and ideology in the strong sense of preferences that 'hold sway with such power as to be impervious to adjudicative facts, competing policies, or the governing law as it is generally understood,' on the other. Ideology in this second sense, I have argued, 'is revealed as the enemy of judicial independence.' It is in that regard no different from non-ideological pre-commitment to certain legal positions for the purpose of securing or retaining a judicial position."); *cf.* Judea Pearl, *Causal Inference in Statistics: An Overview*, 3 STAT. SURV. 96 (2009).

cases were reversed. The information is ordered first by district court and then by status.

Table B: Statistics on Grounds for Reversals

This table provides the number of cases that were reversed, categorized by district court judge, and the basis for the reversals (de novo, abuse of discretion, or clear error and other grounds). Like the previous table, this table informs the reader about each judge's political affiliation, status as active or "other" (senior), and the district court on which the judge sits. From this table, the reader can see how often each district court judge was reversed and the grounds for reversal. The information is ordered first by district court and then by status.

Table C: Cases Reversed for Abuse of Discretion

This table provides descriptions of each of the forty-six cases in which district court judges were reversed for abusing their discretion. These cases are divided into two groups. The first group contains general abuse of discretion cases, including cases that were reversed under this standard without qualification. The second group contains those cases that were reversed for issues involving federal sentencing guidelines. The division of these reversed cases into these two categories is appropriate because the U.S. Supreme Court has recently issued several holdings altering the fundamental nature of the sentencing guidelines. As such, while nominally employing an abuse of discretion standard, these cases appear distinguishable in that they do not reflect the same type of failing by the district court judges as do the other reversed cases.

Table D: Cases Appealed and Reversed by the Eighth Circuit

This table provides the case citations of each appealed and reversed case from a district court in the Eighth Circuit during 2008. The cases are divided first by district and then by judge. The citations for appealed and reversed cases are further categorized by the type of case (civil, criminal, habeas, or other), and by the grounds for reversal (de novo, abuse of discretion, or clear error and other grounds).

Table A: Statistics on Appeals and Reversals

				Appealed Cases					Reversed Cases				
District Court	Status	District Court Judge	Party	Civil	Criminal	Habeas	Other	Total	Civil	Criminal	Habeas	Other	Total
E.D. Ark.	Active	Holmes, J. Leon	R	9	5	3	1	**18**	1	0	1	0	**2**
E.D. Ark.	Active	Howard, George, Jr.	D	3	3	0	2	**8**	0	1	0	2	**3**
E.D. Ark.	Active	Moody, James M.	D	19	9	0	2	**30**	4	2	0	0	**6**
E.D. Ark.	Active	Wilson, William R., Jr.	D	22	6	1	1	**30**	6	0	0	0	**6**
E.D. Ark.	Active	Wright, Susan W.	R	14	15	2	3	**34**	1	0	0	1	**2**
E.D. Ark.	Other	Eisele, Garnett T.	R	5	4	0	0	**9**	0	1	0	0	**1**
E.D. Ark.	Other	Webb, Rodney S.	R	4	1	0	0	**5**	1	0	0	0	**1**
W.D. Ark.	Active	Barnes, Harry F.	D	5	2	0	0	**7**	1	1	0	0	**2**
W.D. Ark.	Active	Dawson, Robert T.[1]	D	15	8	0	1	**24**	5	0	0	0	**5**
W.D. Ark.	Active	Hendren, Jimm L.	R	8	14	0	2	**24**	2	2	0	1	**5**
W.D. Ark.	Active	Moody, James M.	D	0	0	0	1	**1**	0	0	0	1	**1**

[1]Also sits in the Eastern District of Arkansas, but had no cases appealed from that district.

Table A: Statistics on Appeals and Reversals (*continued*)

				Appealed Cases					Reversed Cases				
District Court	Status	District Court Judge	Party	Civil	Criminal	Habeas	Other	Total	Civil	Criminal	Habeas	Other	Total
N.D. Iowa	Active	Bennett, Mark W.	D	3	25	0	0	**28**	0	6	0	0	**6**
N.D. Iowa	Active	Reade, Linda R.	R	3	51	0	0	**54**	0	5	0	0	**5**
N.D. Iowa	Other	O'Brien, Donald E.	D	1	7	0	1	**9**	1	4	0	0	**5**
S.D. Iowa	Active	Gritzner, James E.	R	2	13	0	0	**15**	1	3	0	0	**4**
S.D. Iowa	Active	Jarvey, John A.	R	4	16	0	0	**20**	1	1	0	0	**2**
S.D. Iowa	Active	Longstaff, Robert E.	R	4	15	0	0	**19**	1	4	0	0	**5**
S.D. Iowa	Active	Pratt, Robert W.	D	5	15	1	5	**26**	0	2	0	4	**6**
S.D. Iowa	Other	Vietor, Harold D.	D	2	3	1	0	**6**	0	0	0	0	**0**
S.D. Iowa	Other	Wolle, Charles R.	R	2	1	0	6	**9**	1	0	0	1	**2**
Minn.	Active	Davis, Michael J.	D	14	5	1	5	**25**	3	0	0	1	**4**
Minn.	Active	Ericksen, Joan N.	R	15	3	2	0	**20**	0	1	0	0	**1**
Minn.	Active	Frank, Donovan W.	D	2	6	0	0	**8**	0	0	0	0	**0**

Table A: Statistics on Appeals and Reversals (*continued*)

				Appealed Cases					Reversed Cases				
District Court	Status	District Court Judge	Party	Civil	Criminal	Habeas	Other	Total	Civil	Criminal	Habeas	Other	Total
Minn.	Active	Montgomery, Ann D.	D	6	3	0	0	**9**	0	1	0	0	**1**
Minn.	Active	Rosenbaum, James M.	R	7	12	0	1	**20**	2	2	0	0	**4**
Minn.	Active	Schiltz, Patrick J.	R	20	5	1	0	**26**	1	1	0	0	**2**
Minn.	Active	Tunheim, John R.	R	7	7	0	1	**15**	1	1	0	1	**3**
Minn.	Other	Doty, David S.	R	13	4	0	0	**17**	2	1	0	0	**3**
Minn.	Other	Kyle, Richard H.	R	14	6	0	3	**23**	3	0	0	0	**3**
Minn.	Other	Magnuson, Paul A.	R	8	8	0	0	**16**	1	1	0	0	**2**
E.D. Mo.	Active	Autrey, Henry E.	R	5	13	1	0	**19**	1	1	0	1	**3**
E.D. Mo.	Active	Hamilton, Jean C.	R	6	8	1	0	**15**	2	3	1	0	**6**
E.D. Mo.	Active	Jackson, Carol E.	R	5	10	1	0	**16**	2	2	1	0	**5**
E.D. Mo.	Active	Limbaugh, Stephen N., Jr.	R	0	1	0	1	**2**	0	0	0	1	**1**
E.D. Mo.	Active	Nangle, John F.	R	1	0	0	0	**1**	1	0	0	0	**1**

Table A: Statistics on Appeals and Reversals (*continued*)

				Appealed Cases					Reversed Cases				
District Court	Status	District Court Judge	Party	Civil	Criminal	Habeas	Other	Total	Civil	Criminal	Habeas	Other	Total
E.D. Mo.	Active	Perry, Catherine D.	D	4	6	0	0	**10**	1	1	0	0	**2**
E.D. Mo.	Active	Shaw, Charles A.	D	7	10	1	0	**18**	0	5	0	0	**5**
E.D. Mo.	Active	Sippel, Rodney W.[2]	D	8	5	0	1	**14**	3	1	0	1	**5**
E.D. Mo.	Active	Stohr, Donald J.	R	3	5	0	0	**8**	0	0	0	0	**0**
E.D. Mo.	Active	Webber, E. Richard	D	9	8	2	1	**20**	4	1	0	0	**5**
E.D. Mo.	Other	Limbaugh, Stephen N., Sr.	R	7	5	0	1	**13**	0	1	0	0	**1**
W.D. Mo.	Active	Dorr, Richard E.	R	3	16	1	3	**23**	1	2	0	0	**3**
W.D. Mo.	Active	Fenner, Gary A.	D	12	18	1	4	**35**	2	3	1	2	**8**
W.D. Mo.	Active	Gaitan, Fernando J., Jr.	R	10	14	1	0	**25**	3	2	1	2	**8**
W.D. Mo.	Active	Laughrey, Nanette K.[3]	D	15	14	2	4	**35**	3	2	1	1	**7**

[2]Also sits in the Western District of Missouri, but had no cases appealed from that district.
[3]Also sits in the Eastern District of Missouri, but had no cases appealed from that district.

Table A: Statistics on Appeals and Reversals (*continued*)

				Appealed Cases					Reversed Cases				
District Court	Status	District Court Judge	Party	Civil	Criminal	Habeas	Other	Total	Civil	Criminal	Habeas	Other	Total
W.D. Mo.	Active	Smith, Ortrie D.	D	2	18	0	0	**20**	0	5	0	0	**5**
W.D. Mo.	Active	Whipple, Dean	R	9	16	1	1	**27**	2	3	1	1	**7**
W.D. Mo.	Other	Sachs, Howard F.	D	3	4	0	0	**7**	0	1	0	0	**1**
W.D. Mo.	Other	Wright, Scott O.	D	8	7	1	0	**16**	1	0	1	0	**2**
N. Dak.	Active	Erickson, Ralph R.	R	3	5	0	1	**9**	0	1	0	0	**1**
N. Dak.	Active	Hovland, Daniel L.	R	11	3	0	0	**14**	1	0	0	0	**1**
N. Dak.	Other	Conmy, Patrick A.	R	2	0	0	0	**2**	0	0	0	0	**0**
N. Dak.	Other	Webb, Rodney S.	R	1	2	0	0	**3**	0	0	0	0	**0**
Neb.	Active	Bataillon, Joseph F.	D	6	9	2	4	**21**	1	1	0	1	**3**
Neb.	Active	Camp, Laurie S.	R	8	17	0	1	**26**	1	0	0	0	**1**
Neb.	Active	Kopf, Richard G.	R	10	22	0	0	**32**	1	4	0	0	**5**

Table A: Statistics on Appeals and Reversals (*continued*)

				Appealed Cases					Reversed Cases				
District Court	Status	District Court Judge	Party	Civil	Criminal	Habeas	Other	Total	Civil	Criminal	Habeas	Other	Total
Neb.	Other	Strom, Lyle E.	R	4	9	0	2	**15**	0	2	0	0	**2**
Neb.	Other	Urbom, Warren K.	R	0	4	0	0	**4**	0	0	0	0	**0**
S. Dak.	Active	Kornmann, Charles B.	D	3	14	0	2	**19**	1	4	0	0	**5**
S. Dak.	Active	Piersol, Lawrence L.	D	8	4	2	1	**15**	2	2	0	0	**4**
S. Dak.	Active	Schreier, Karen E.	D	8	4	2	3	**17**	1	2	0	1	**4**
S. Dak.	Other	Battey, Richard H.	R	2	4	0	2	**8**	1	0	0	1	**2**
S. Dak.	Other	Bogue, Andrew W.	R	2	2	0	0	**4**	0	0	0	0	**0**
TOTAL				**421**	**549**	**31**	**67**	**1068**	**74**	**89**	**8**	**24**	**195**

Table B: Statistics on Grounds for Reversals

District Court	Status	District Court Judge	Party	Total Cases Appealed	Grounds for Reversal			Total Cases Reversed
					Abuse of Discretion	Clear Error or Other	De Novo Review of Law	
E.D. Ark.	Active	Holmes, J. Leon	R	**18**	0	0	2	**2**
E.D. Ark.	Active	Howard, George, Jr.	D	**8**	0	2	1	**3**
E.D. Ark.	Active	Moody, James M.	D	**30**	0	2	4	**6**
E.D. Ark.	Active	Wilson, William R., Jr.	D	**30**	2	1	3	**6**
E.D. Ark.	Active	Wright, Susan W.	R	**34**	0	0	2	**2**
E.D. Ark.	Other	Eisele, Garnett T.	R	**9**	0	0	1	**1**
E.D. Ark.	Other	Webb, Rodney S.	R	**5**	0	0	1	**1**
W.D. Ark.	Active	Barnes, Harry F.	D	**7**	0	0	2	**2**
W.D. Ark.	Active	Dawson, Robert T.[1]	D	**24**	1	1	3	**5**
W.D. Ark.	Active	Hendren, Jimm L.	R	**24**	1	2	2	**5**
W.D. Ark.	Active	Moody, James M.	D	**1**	0	0	1	**1**

[1]Also sits in the Eastern District of Arkansas.

Table B: Statistics on Grounds for Reversals (*continued*)

District Court	Status	District Court Judge	Party	Total Appealed Cases	Grounds for Reversal			Total Reversed Cases
					Abuse of Discretion	Clear Error or Other	De Novo Review of Law	
N.D. Iowa	Active	Bennett, Mark W.	D	**28**	4	2	0	**6**
N.D. Iowa	Active	Reade, Linda R.	R	**54**	1	1	3	**5**
N.D. Iowa	Other	O'Brien, Donald E.	D	**9**	1	2	2	**5**
S.D. Iowa	Active	Gritzner, James E.	R	**15**	0	1	3	**4**
S.D. Iowa	Active	Jarvey, John A.	R	**20**	1	1	0	**2**
S.D. Iowa	Active	Longstaff, Robert E.	R	**19**	1	2	2	**5**
S.D. Iowa	Active	Pratt, Robert W.	D	**26**	1	1	4	**6**
S.D. Iowa	Other	Vietor, Harold D.	D	**6**	0	0	0	**0**
S.D. Iowa	Other	Wolle, Charles R.	R	**9**	1	0	1	**2**
Minn.	Active	Davis, Michael J.	D	**25**	0	1	3	**4**
Minn.	Active	Ericksen, Joan N.	R	**20**	1	0	0	**1**
Minn.	Active	Frank, Donovan W.	D	**8**	0	0	0	**0**

Table B: Statistics on Grounds for Reversals (*continued*)

District Court	Status	District Court Judge	Party	Total Appealed Cases	Grounds for Reversal			Total Reversed Cases
					Abuse of Discretion	Clear Error or Other	De Novo Review of Law	
Minn.	Active	Montgomery, Ann D.	D	**9**	0	0	1	**1**
Minn.	Active	Rosenbaum, James M.	R	**20**	3	0	1	**4**
Minn.	Active	Schiltz, Patrick J.	R	**26**	0	0	2	**2**
Minn.	Active	Tunheim, John R.	R	**15**	1	0	2	**3**
Minn.	Other	Doty, David S.	R	**17**	0	1	2	**3**
Minn.	Other	Kyle, Richard H.	R	**23**	0	0	3	**3**
Minn.	Other	Magnuson, Paul A.	R	**16**	0	1	1	**2**
E.D. Mo.	Active	Autrey, Henry E.	R	**19**	0	2	1	**3**
E.D. Mo.	Active	Hamilton, Jean C.	R	**15**	2	2	2	**6**
E.D. Mo.	Active	Jackson, Carol E.	R	**16**	1	2	2	**5**
E.D. Mo.	Active	Limbaugh, Stephen N., Jr.	R	**2**	0	0	1	**1**
E.D. Mo.	Active	Nangle, John F.	R	**1**	0	1	0	**1**

Table B: Statistics on Grounds for Reversals (*continued*)

District Court	Status	District Court Judge	Party	Total Appealed Cases	Grounds for Reversal			Total Reversed Cases
					Abuse of Discretion	Clear Error or Other	De Novo Review of Law	
E.D. Mo.	Active	Perry, Catherine D.	D	**10**	0	0	2	**2**
E.D. Mo.	Active	Shaw, Charles A.	D	**18**	1	2	2	**5**
E.D. Mo.	Active	Sippel, Rodney W.[2]	D	**14**	1	1	3	**5**
E.D. Mo.	Active	Stohr, Donald J.	R	**8**	0	0	0	**0**
E.D. Mo.	Active	Webber, E. Richard	D	**20**	1	1	3	**5**
E.D. Mo.	Other	Limbaugh, Stephen N., Sr.	R	**13**	0	1	0	**1**
W.D. Mo.	Active	Dorr, Richard E.	R	**23**	0	1	2	**3**
W.D. Mo.	Active	Fenner, Gary A.	D	**35**	2	1	5	**8**
W.D. Mo.	Active	Gaitan, Fernando J., Jr.	R	**25**	5	1	2	**8**
W.D. Mo.	Active	Laughrey, Nanette K.[3]	D	**35**	3	0	4	**7**

[2]Also sits in the Western District of Missouri, but had no cases appealed from that district.
[3]Also sits in the Eastern District of Missouri, but had no cases appealed from that district.

Table B: Statistics on Grounds for Reversals (*continued*)

District Court	Status	District Court Judge	Party	Total Appealed Cases	Grounds for Reversal			Total Reversed Cases
					Abuse of Discretion	Clear Error or Other	De Novo Review of Law	
W.D. Mo.	Active	Smith, Ortrie D.	D	**20**	1	3	1	**5**
W.D. Mo.	Active	Whipple, Dean	R	**27**	0	2	5	**7**
W.D. Mo.	Other	Sachs, Howard F.	D	**7**	0	1	0	**1**
W.D. Mo.	Other	Wright, Scott O.	D	**16**	0	1	1	**2**
N. Dak.	Active	Erickson, Ralph R.	R	**9**	1	0	0	**1**
N. Dak.	Active	Hovland, Daniel L.	R	**14**	0	0	1	**1**
N. Dak.	Other	Conmy, Patrick A.	R	**2**	0	0	0	**0**
N. Dak.	Other	Webb, Rodney S.	R	**3**	0	0	0	**0**
Neb.	Active	Bataillon, Joseph F.	D	**21**	1	1	1	**3**
Neb.	Active	Camp, Laurie S.	R	**26**	1	0	0	**1**
Neb.	Active	Kopf, Richard G.	R	**32**	1	4	0	**5**

Table B: Statistics on Grounds for Reversals (*continued*)

District Court	Status	District Court Judge	Party	Total Appealed Cases	Grounds for Reversal			Total Reversed Cases
					Abuse of Discretion	Clear Error or Other	De Novo Review of Law	
Neb.	Other	Strom, Lyle E.	R	**15**	1	1	0	**2**
Neb.	Other	Urbom, Warren K.	R	**4**	0	0	0	**0**
S. Dak.	Active	Kornmann, Charles B.	R	**19**	2	2	1	**5**
S. Dak.	Active	Piersol, Lawrence L.	R	**15**	0	0	4	**4**
S. Dak.	Active	Schreier, Karen E.	D	**17**	2	1	1	**4**
S. Dak.	Other	Battey, Richard H.	D	**8**	1	0	1	**2**
S. Dak.	Other	Bogue, Andrew W.	D	**4**	0	0	0	**0**
TOTAL				**1068**	**46**	**52**	**97**	**195**

TABLE C

CASES REVERSED BY THE COURT OF APPEALS FOR THE EIGHTH CIRCUIT IN 2008 FOR ABUSE OF DISCRETION

Below are descriptions of each of the district court cases that were reversed by the Court of Appeals for the Eighth Circuit based on an abuse of discretion standard. These cases are divided into two groups. The first group contains general abuse of discretion cases. The second group contains those cases that were reversed for issues involving the federal sentencing guidelines. Recently, the U.S. Supreme Court issued several holdings altering the nature of the sentencing guidelines. As such, while nominally employing an abuse of discretion standard, these cases appear distinguishable in that they do not reflect the same type of failing by the district judges as do the general abuse of discretion cases.

GENERAL ABUSE OF DISCRETION CASES

Barzilay v. Barzilay, 536 F.3d 844 (8th Cir. 2008)

In September 2005, a Missouri state court granted divorcing parents joint custody of their children. In June 2006, the mother took the children to Israel for a visit. While the mother was there, the father executed an ex parte request for stay of exit of minors in the family court in Israel. The father argued that the mother had violated the Missouri state court decree by failing to repatriate to Israel with the children. The parents entered into a consent agreement, whereby the mother agreed not to file a custody petition outside Israel. In December 2006, the father sued the mother in Israel on the grounds that the mother had not complied with the consent decree. Before judgment was issued by the Israeli court, the mother filed a petition in the Missouri state court to modify the couple's divorce decree to restrict the father's visitation rights with the children. One month later, the mother moved for a temporary restraining order to prevent the enforcement of the Israeli judgment requiring her to send the children to Israel. The father brought an action against the mother in the district court, seeking his children's return to Israel by invoking the Hague Convention on the Civil Aspects of International Child

Abduction. District Court Judge E. Richard Webber abstained from the proceeding to avoid interfering with a state court ruling. On appeal, the Eighth Circuit ruled that the abstention was an abuse of discretion because the father did not raise the Hague Convention issues in state court.

Cincinnati Indemnity Co. v. A&K Construction Co., 542 F.3d 623 (8th Cir. 2008)

During the pendency of a parallel lawsuit in state court, the plaintiff sought a declaratory judgment in district court. District Court Judge Nanette K. Laughrey dismissed the plaintiff's motion. On appeal, the Eighth Circuit held that the district court should have abstained from exercising jurisdiction instead of dismissing for lack of jurisdiction because the parties and issues were the same in both courts, the parties were joined in the state court action, and the state proceedings were sufficient to determine the issues.

Dunning v. Bush, 536 F.3d 879 (8th Cir. 2008)

The plaintiffs sold their half interest in a company to the owners of the other half interest but claimed that they received insufficient payment. The plaintiffs were late in submitting an expert witness' supplemental report, and consequently the district court struck the report. On appeal, the Eighth Circuit held that District Court Judge John A. Jarvey abused his discretion in not choosing a lesser sanction because the defendants could not claim any surprise or prejudice due to the late submission of the supplemental reports.

JCB, Inc. v. Union Planters Bank, N.A., 539 F.3d 862 (8th Cir. 2008)

A creditor with a superior interest in inventory sold by the bank sued the bank to recover the inventory. The bankruptcy court ruled that the creditor's security interest extended to inventory that was financed post-confirmation. A trial as to damages was held on the conversion and trespass claims. On the conversion claim, the jury awarded the creditor $1,446,500 in compensatory damages and $1,150,000 in punitive damages. On the trespass claim, the jury awarded the creditor $1 in compensatory damages and $1,087,500 in punitive damages. The bank moved for judgment as a matter of law, for new trial, and for remittitur. District Court Judge Rodney W. Sippel denied all three motions. On appeal, the circuit court ruled

that the award of punitive damages was excessive and that the district court abused its discretion in not remitting the award.

Jenkins v. Winter, 540 F.3d 742 (8th Cir. 2008)

A civilian employee of the U.S. Navy brought an action against the Navy, an employment contractor, and co-workers, alleging sexual harassment and retaliation. District Court Judge Fernando J. Gaitan, Jr., granted summary judgment for the Navy. The district court refused to consider the employee's statement of facts because Local Rule 56.1(a) required the employee to specifically controvert in numbered paragraphs the Navy's statement of facts, and the employee had failed to do so. The employee appealed. The Eighth Circuit held that the district court abused its discretion in refusing to consider the employee's statement of facts and in excluding certain affidavits from consideration.

Lash v. Hollis, 525 F.3d 636 (8th Cir. 2008)

An arrestee and his son brought civil rights claims against police officers for the use of excessive force. The jury found for the plaintiffs on a claim against one officer and for the defendants on all other claims. District Court Judge Jean C. Hamilton awarded the plaintiffs a reduced attorneys' fee award and denied the plaintiffs' motion for a new damages-phase trial. On appeal, the Eighth Circuit affirmed the denial of the motion for a new damages-phase trial but vacated and remanded for reconsideration the attorneys' fee award. The Eighth Circuit held that, while the line-item cuts that reduced the plaintiff's request for attorneys' fees were not an abuse of discretion, the district court's global cuts based on the percentage of successful claims were not appropriate. The circuit court remanded the case for reconsideration of the fee award.

McAdams v. McCord, 533 F.3d 924 (8th Cir. 2008)

Investors sued a multistate provider of mortgage lending and brokerage services. District Court Judge Robert T. Dawson dismissed most of the plaintiffs' claims and entered a partial final judgment pursuant to Federal Rule of Civil Procedure 54(b), making his order final and appealable. The investors appealed. The Eighth Circuit emphasized judicial economy and the need to avoid piecemeal appeals, and held that the district court abused its

discretion in entering a final judgment under Rule 54(b) without providing reasons or analysis to explain its decision.[23]

Nelson v. United States, 297 F. App'x 563 (8th Cir. 2008)

The defendant pleaded guilty to the kidnapping, rape, and murder of a ten-year-old girl and was sentenced to death. He filed a 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence in the district court. District Court Judge Fernando J. Gaitan, Jr., determined that an evidentiary hearing was not necessary and dismissed the defendant's section 2255 motion. On appeal, the Eighth Circuit held that the district court abused its discretion in not holding the evidentiary hearing on six of the approximately sixty claims of ineffective assistance of counsel.

Oglala Sioux Tribe v. C&W Enterprises, Inc., 542 F.3d 224 (8th Cir. 2008)

The defendant, C&W Enterprises, Inc. (C&W), a Native American-owned business, entered into four separate contracts with the plaintiff, the Oglala Sioux Tribe (the "Tribe"). Each contract obligated C&W to perform road construction on the Tribe's reservation. The first three contracts contained explicit clauses waiving the Tribe's sovereign immunity and stating that all claims would go to nonbinding mediation followed by final arbitration. The fourth contract allowed the Oglala Sioux Tribal Court to resolve all disputes arising under that contract. Disputes arose concerning C&W's performance and payment thereof. The parties attempted nonbinding mediation, but failed to resolve their dispute. C&W then filed a claim with the American Arbitration Association concerning all four contracts. The Tribe agreed to arbitration on all four contracts, even though the Tribe was not required to do so under the fourth contract. The Tribe sought to dismiss certain claims on sovereign immunity grounds, except with respect to the fourth contract. About six months later, the Tribe also moved the arbitrator to dismiss the claims regarding the fourth contract on sovereign immunity grounds. The arbitrator denied the motion on the ground

23. It appears that the court of appeals views the elevation of elements of a district court case through interlocutory appeals with some skepticism.

that the Tribe's active participation in arbitrating the fourth contract constituted a waiver of its immunity.

Two months later, the Tribe filed its initial action in the U.S. District Court for the District of South Dakota, seeking to enjoin the arbitrator from hearing the claims related to the fourth contract. The district court dismissed that case for lack of federal jurisdiction and the Eighth Circuit affirmed. Following the dismissal, arbitration commenced. C&W obtained a final award of $1,250,552.58. On the day the court announced the final award, C&W filed an action in South Dakota state court to confirm the award. Because the Tribe failed to answer, a default judgment was entered against the Tribe. C&W sought to collect on its judgment by obtaining executions on the Tribe's property. The Tribe moved to quash the executions in federal court. District Court Judge Karen E. Schreier held that the state court lacked jurisdiction to confirm the arbitral award and permanently enjoined it from exercising jurisdiction over this matter, finding that the parties must first exhaust their Tribal Court remedies. After reviewing the record, the Eighth Circuit held that the Tribe had waived its sovereign immunity and that the state court had jurisdiction to confirm the arbitral award. As a result, the court of appeals held that the district court abused its discretion in issuing the permanent injunction.

Patel v. Prince, 276 F. App'x 531 (8th Cir. 2008)

A federal inmate filed a civil complaint. District Court Judge William R. Wilson, Jr., dismissed the complaint and instructed the plaintiff to amend the complaint in one of his other pending actions, thereby apparently treating the instant complaint as duplicative and frivolous. On appeal, the Eighth Circuit held that the district court abused its discretion in dismissing the complaint because it appeared from the record that the complaint differed significantly from the complaints in his other pending actions. The court of appeals reversed the dismissal and remanded the case.

Phelps-Roper v. Nixon, 545 F.3d 685 (8th Cir. 2008)

A member of a religious organization appealed the denial of a preliminary injunction to prevent the enforcement of certain Missouri statutes that criminalize picketing adjacent to a funeral site. The member of the religious organization alleged that the Missouri

statutes violated his First Amendment rights. The Eighth Circuit held that the religious member was likely to prevail on the merits because the Missouri statute did not seem to qualify as a content-neutral time, place, and manner regulation. Therefore, District Court Judge Fernando J. Gaitan, Jr., abused his discretion in denying the injunction.

Planned Parenthood Minnesota, North Dakota, South Dakota v. Rounds, 530 F.3d 724 (8th Cir. 2008)

An abortion provider sued to enjoin the enforcement of certain amendments to the state's informed consent laws on the grounds that they violated the First and Fourteenth Amendments. The district court granted the preliminary injunction. On appeal, the Eighth Circuit held that District Court Judge Karen E. Schreier abused her discretion by failing to give effect to the statutory definition of "human being." Furthermore, because the plaintiffs were not likely to prevail on the merits, the circuit court vacated the preliminary injunction.

Sappington v. SkyJack, Inc., 512 F.3d 440 (8th Cir. 2008)

The survivors of a carpenter who died on the job at a construction site brought a strict products liability action against the manufacturer and lessor of a scissors lift. District Court Judge Fernando J. Gaitan, Jr., granted the defendants' motion to exclude the plaintiffs' proffered expert testimony because the tests conducted by the expert were deemed irrelevant and unreliable. The district court also granted the defendants' summary judgment motion. On appeal, the Eighth Circuit held that the district court abused its discretion in excluding the expert testimony and that the district court's concerns only went to credibility. The court of appeals reviewed the motion for summary judgment de novo and held that a strict products liability claim can be established solely based on circumstantial evidence and does not require expert testimony.

Sherman v. Winco Fireworks, Inc., 532 F.3d 709 (8th Cir. 2008)

An injured fireworks spectator sued the fireworks distributor, among other defendants. After a jury verdict in favor of the fireworks distributor, District Court Judge Laurie S. Camp denied the plaintiff's motion for judgment as a matter of law. The plaintiff

appealed. The court of appeals determined that the district court abused its discretion in allowing the defendant to amend its answer so long after the scheduling deadline and without good cause, thereby prejudicially limiting one of the plaintiff's claims. The court of appeals remanded that claim for a new trial.

Smith v. Gold Dust Casino, 526 F.3d 402 (8th Cir. 2008)

A plaintiff sued his employer for being terminated in violation of the Americans with Disabilities Act. District Court Judge Richard H. Battey dismissed the action for failure to prosecute under Federal Rule of Civil Procedure 41(b). The appellate court reviews a district court's decision to dismiss an action pursuant to Rule 41(b) for abuse of discretion by using a balancing test that considers the degree of egregious conduct that prompted the dismissal and the adverse impact on the defendant and on the administration of justice. In this case, the Eighth Circuit held that the district court abused its discretion in dismissing the action when the plaintiff, a pro se litigant, had a serious health problem, made sincere efforts to complete the discovery, and did not intend to delay the proceedings. The Eighth Circuit further considered that the district court did not give any advance warning or consider any less severe penalty before dismissing the case.

Starandlund v. Hawley, 532 F.3d 741 (8th Cir. 2008)

The plaintiffs sued a sheriff, a deputy, and a county, alleging violations of their constitutional rights and common law torts. The defendants moved for summary judgment, which was granted as to one plaintiff. District Court Judge James M. Rosenbaum found insufficient commonality with the claims of the other plaintiffs and dismissed them from the action. On appeal, the Eighth Circuit held that, in determining whether to sever claims or dismiss for misjoinder, a district court should dismiss only if doing so would not prejudice any substantial right. Here, dismissal made it impossible for some parties to re-file their claims because the statute of limitations had run. Thus, while the district court could have severed the claims, it abused its discretion in dismissing the plaintiffs.

Steinbuch v. Cutler, 518 F.3d 580 (8th Cir. 2008)

A law professor brought an action against an author, a national-book publisher, a book distributor, and a cable channel for invasion of privacy and the intentional infliction of emotional distress arising from the publication of the author's sexually explicit book and the potential development of a television series based on this book. The defendants filed motions to dismiss mostly asserting that the court lacked personal jurisdiction over the defendants. Thereafter, District Court Judge William R. Wilson, Jr., granted all defendants a complete stay of discovery, including jurisdictional discovery, until the court fully granted the defendants' motions to dismiss. As part of his ruling on the Court's lack of personal jurisdiction over defendants, Judge Wilson held that Washington, D.C., was the appropriate forum for the case. The Eighth Circuit, using an abuse of discretion standard, held that the district court committed reversible error in dismissing the action against the publisher without allowing the law professor to have jurisdictional discovery to further rebut the defendant's untested claim that the Court could not exercise general personal jurisdiction over the publisher, whose products were widely sold within the relevant jurisdiction.

Although the following facts were not discussed in the Eighth Circuit's opinion, they are salient. The defendant publisher was represented in the district court by an attorney—Beth Deere of the law firm Williams & Anderson—who had already been selected, by, *inter alia*, the district court judge in this case to become a magistrate judge in the same district court.[24] On remand, the plaintiff sought transfer to Washington, D.C., pursuant to Judge Wilson's aforementioned and unappealed ruling that Washington, D.C., was the appropriate forum for the case.[25] Notwithstanding his prior ruling, Judge Wilson then refused to transfer the case.[26] At the same

24. Andrea Harter, Editorial, *At the Feet of a Master*, ARK. DEMOCRAT-GAZETTE, Mar. 23, 2002, at B12 (stating that Beth Deere, the publisher's attorney, was the long-term clerk to former Judge Henry Woods on the U.S. District Court for the Eastern District of Arkansas); 141 CONG. REC. H8169 (1995) (statement of Rep. Burton); Jim Johnson, Op-Ed., *The Life and Times of Judge Henry Woods*, WASH. TIMES, Jun. 23, 1995, at A23 ("[Henry Wood's] former law partner, William R. Wilson, was appointed to a federal judgeship, too. Mr. Wilson had been Henry's leg man and gofer for years; it was well known in Little Rock that when Mr. Wilson walked into your office you were actually dealing with Henry.").

25. Steinbuch v. Cutler, No. 4:06CV00620-WRW, 2008 WL 2622853, at *1 (E.D. Ark. July 1, 2008).

26. *Id.* at *2.

time, Judge Wilson denied the plaintiff's repeated post-remand motions to compel based on the defendant's refusal to produce any substantive discovery.[27] Shortly thereafter, Judge Wilson declared that he had a conflict of interest based on a new employee he had hired, and consequently transferred the case to the chief judge of the district court. Upon transfer, the defendant was—for the first time—held to have improperly failed to produce substantive discovery and was ordered to do so. At this point, and prior to providing any substantive discovery, the defendant abandoned its long-pressed ubiquitous claim made before both the district court and the Court of Appeals that the district court did not have general jurisdiction over the national book publisher.

In re St. Jude Medical, Inc., 522 F.3d 836 (8th Cir. 2008)

The patients who had been implanted with a medical company's prosthetic heart valves brought products liability actions against the medical company when the valve was recalled after a clinical study showed an increased risk of paravalvular leakage. After concluding that questions of law and fact common to the class would predominate over individual issues and that a class action was the superior method of adjudicating the patients' claims, District Court Judge John R. Tunheim recertified the consumer protection class. The defendant appealed on the grounds that adjudicating liability claims required an inquiry into the causal relationship between the representations made by the defendant and each plaintiff's injury. The Eighth Circuit held that the district court abused its discretion in certifying the class because whether each plaintiff received a representation by the medical company about the heart valve was likely to be a significant issue in each case of alleged liability and therefore common issues would not predominate over individual ones.

Union County v. Piper Jaffray & Co., 525 F.3d 643 (8th Cir. 2008)

Union County, the plaintiff in this case, filed various claims against a financial advisor stemming from the financial advisor's alleged failure to properly advise the county of material information

27. Fed. R. Civ. P. 26(f) Report at 2, Steinbuch v. Cutler, 518 F.3d 580, No. 4:06CV00620-WRW (E.D. Ark. July 17, 2008).

involved in the issuance of bond offerings and alternative financing options. The defendant filed a motion to compel the production of documents requested in discovery, and the county asserted that the documents were not discoverable due to the work product doctrine and the attorney-client privilege. The magistrate judge granted the motion in part and denied it in part. District Court Judge Robert W. Pratt affirmed the magistrate judge's decision and certified the case for interlocutory appeal. The Eighth Circuit discussed the three statutory requirements for certification: (1) the order involves a controlling question of law; (2) there is substantial ground for difference of opinion; and (3) certification will materially advance the ultimate termination of the litigation. Because not all of the criteria were satisfied, the court of appeals held that the district court abused its discretion in certifying the interlocutory appeal.[28]

United States v. Azure, 536 F.3d 922 (8th Cir. 2008)

The defendant was charged with two counts of assault with a dangerous weapon and one count of murder in two separate incidents. The defendant pleaded guilty to the assault charges and the government dismissed the murder charge. The plea agreement included an appeal waiver, but it preserved the defendant's right to appeal the reasonableness of the sentence and did not limit the parties' ability to make sentencing recommendations. There was no mention of the facts underlying the murder. A presentence report was compiled and included a description of events relating to the murder count, the defendant's criminal history, background information about the defendant and her family, and the applicable sentencing guidelines. At the sentencing hearing, most of the evidence focused on the murder incident. District Court Judge Charles B. Kornmann sentenced the defendant to a term of 180 months' imprisonment (ninety-six months on one count and eighty-four months on the second count, to be served consecutively). This upward departure from the sentencing guidelines was because of the defendant's history of violence. The defendant appealed her sentence. The Eighth

28. It appears that the court of appeals views the elevation of elements of a district court case through interlocutory appeals with particular skepticism.

Circuit held that the district court abused its discretion in determining the extent of upward departure.[29]

United States v. Boal, 534 F.3d 965 (8th Cir. 2008)

The defendant stole money from a family friend, pleaded guilty to mail fraud, and was ordered to pay $148,657.60 in restitution. The U.S. Attorneys' Office placed a lien on the defendant's residence limited to the amount due. The defendant paid part of the judgment. The defendant and the victim agreed that if the defendant would pay half of the remaining balance, the victim would waive the right to collect the other half of the remaining balance. The defendant and the victim signed a release agreement and the defendant remitted the payment. Later, when the defendant refinanced her home, the finance company deducted the restitution balance (the remaining portion of the balance to which the victim had waived his right) from her share of the proceeds and sent a check to the U.S. Attorneys' Office to satisfy the government's lien. The victim filed a pleading requesting the distribution of the funds to him, while the defendant argued that the victim had voluntarily surrendered his right to this portion of the funds and that her deteriorating financial situation authorized the court to adjust her payments. The government filed a motion asking the district court to distribute the funds to the victim. District Court Judge Ronald E. Longstaff directed the clerk to release the funds to the defendant's mortgage company to be put back toward the equity in her home, and directed the defendant and the government to work out a new payment plan. On appeal, the Eighth Circuit reviewed the district court's decision to adjust the restitution payment schedule for abuse of discretion. The court of appeals held that the clerk's office had a nondiscretionary duty to disperse the funds to the victim and that the district court had no authority to countermand the clerk's duty to disperse the funds.

United States v. Cawthorn, 527 F.3d 678 (8th Cir. 2008)

The defendant was convicted and sentenced for possession with the intent to distribute crack cocaine. At sentencing, the defendant asked District Court Judge Lyle E. Strom to vary downward from the

29. This case reflects the difficulty regarding the imposition of federal sentencing guidelines after the U.S. Supreme Court's holdings striking the mandatory nature of these guidelines.

advisory sentencing guidelines range, but the district court judge declined to do so. On appeal, the Eighth Circuit affirmed, but the U.S. Supreme Court vacated and remanded the case in light of its decision in *Kimbrough v. United States*.[30] On remand, the court of appeals held that the sentence should be vacated and remanded the case for resentencing because the district court did not recognize its authority to vary from the advisory guidelines, and it was unclear whether the district court knew it had this power.

United States v. Chalupnik, 514 F.3d 748 (8th Cir. 2008)

The defendant, an employee of the U.S. Postal Service, pleaded guilty to misdemeanor copyright infringement for taking undeliverable CDs and DVDs from the post office trash and selling them to used record stores. As part of his sentence, the defendant was ordered to pay $78,818 in restitution. On appeal, the Eighth Circuit reviewed District Court Judge Ralph R. Erickson's decision to award restitution for abuse of discretion, and held that the district court inappropriately used a disgorgement theory to determine the restitution amount.

United States v. Farish, 535 F.3d 815 (8th Cir. 2008)

The defendant was convicted by a jury and sentenced for committing arson and making false statements. The defendant appealed District Court Judge James M. Rosenbaum's evidentiary ruling, jury instruction, sentencing determination, and order to pay restitution. In the absence of special interrogatories, it was unclear whether the jury returned a unanimous verdict against the defendant for conspiracy to commit arson (for which a restitution order would have been appropriate), or for aiding and abetting arson (for which restitution would not have been appropriate). As a result, the Eighth Circuit held that the district court abused its discretion by awarding restitution when it could not determine on which charge the jury convicted the defendant.

United States v. Fincher, 538 F.3d 868 (8th Cir. 2008)

When the defendant was arrested, he requested the appointment of an attorney because he lacked the financial means to retain

30. 552 U.S. 85 (2007).

counsel. The defendant completed an affidavit detailing his financial affairs and his inability to pay for counsel. The defendant indicated that he had no personal income, that his wife made $10.50 per hour, that they had $2,000 in savings and owned two vehicles of unknown value (one of which was still subject to a note), and that he owned his home and 120 acres of real estate of unknown value. Based on this information, the district court appointed counsel. About one month later, the defendant's appointed counsel withdrew because the defendant had retained other counsel. Thereafter, the defendant was convicted by a jury on one count of possession of a machine gun and one count of possession of an unregistered sawed-off shotgun. Prior to sentencing, the defendant informed the district court that he no longer had counsel and that the appointed counsel and the defendant had conveyed his 120 acres of real estate to his daughters in exchange for $1.00.

District Court Judge Jimm L. Hendren then imposed concurrent sentences of seventy-eight months' imprisonment and a fine of $1,000. After sentencing, the defendant requested release on bond pending appeal. The district court agreed that the defendant could be released on a $100,000 bond. When the daughters executed a mortgage for the purpose of securing the bond, the district court became aware that the defendant's property had significant value and that the property had been conveyed to his daughters. The district court then held an evidentiary hearing to determine the defendant's financial eligibility for court-appointed counsel. Following the hearing, the district court entered an order stating that the defendant was not then, nor had ever been, financially unable to obtain counsel. As a result, the district court ordered the defendant to reimburse the cost of providing court-appointed counsel. The defendant appealed. The Eighth Circuit remanded the case, reasoning that the district court did not consider whether the defendant's wife has any ownership in the property at issue and, if so, whether that affects the defendant's ownership of the property.

United States v. Freemont, 513 F.3d 884 (8th Cir. 2008)

The defendant pleaded guilty to distribution of crack cocaine, possession of a firearm in furtherance of drug trafficking crime, and conspiracy to distribute crack cocaine. After granting the government's substantial assistance motion on the drug counts,

District Court Judge Mark W. Bennett imposed a sentence of 186 months using a combination of substantial assistance departures, compelled departures, and variances. The government appealed the compelled departures and variances, claiming that the court incorrectly reduced the sentence below the statutory minimum without a substantial assistance motion on the remaining counts. On appeal, the Eighth Circuit reversed and remanded the case, reasoning that the district court may not reduce the sentence on the firearm possession counts without a government motion based on assistance-related considerations.

United States v. Lee, 521 F.3d 911 (8th Cir. 2008)

The defendant was convicted of conspiracy to distribute fifty grams or more of crack cocaine and of using, carrying, or brandishing a firearm during a drug trafficking offense. The defendant argued in his sentencing memorandum that his situation warranted a deviation in light of the sentencing disparity between offenders whose offenses involve crack cocaine and those whose offenses involve powder cocaine. In light of the *Kimbrough v. United States*[31] decision, the U.S. Supreme Court remanded the defendant's case to the court of appeals. Because the *Kimbrough* case stated that District Court Judge Richard G. Kopf would not be deemed to abuse his discretion by considering the disparity between crack cocaine and powder cocaine, the Eighth Circuit remanded the case for resentencing. The circuit court reasoned that it could not determine whether the district court would have varied outside the ranged provided by the guidelines if it knew that it could consider the effect of the crack/powder disparity.[32]

United States v. Miller, 279 F. App'x. 418 (8th Cir. 2008)

The defendant pleaded guilty to being a felon in possession of a firearm and was sentenced to 77 months in prison. The defendant appealed the sentence, claiming that a prior conviction for driving while intoxicated should not count as a crime of violence. Although the court of appeals affirmed the decision by Judge Jean C.

31. 552 U.S. 85 (2007).

32. This case reflects the difficulty regarding the imposition of the federal sentencing guidelines given the U.S. Supreme Court's recent holdings on the topic.

Hamilton, the case was later vacated and remanded after the U.S. Supreme Court held in *Begay v. U.S.*[33] that felony driving while intoxicated does not constitute a violent felony.

United States v. Stanko, 528 F.3d 581 (8th Cir. 2008)

The defendant was convicted and sentenced for providing a false social security number. The defendant had filed several motions requesting a change of venue, which were all denied. Federal Rule of Criminal Procedure 18 mandates that district courts consider the convenience to the defendant, the convenience to the witnesses, and the prompt administration of justice when deciding on venue. On appeal, the Eighth Circuit held that District Court Judge Joseph F. Bataillon abused his discretion because there was no evidence in the record that the district court considered the convenience to the defendant or to the witnesses when deciding the venue issue. The district court also denied the defendant's requests for the release of grand and petit juror information. The Eighth Circuit also held that district court erred in its denial because a litigant has "essentially an unqualified right to inspect jury lists."

United States v. Street, 548 F.3d 618 (8th Cir. 2008)

The defendant was convicted and sentenced for drug crimes. The defendant challenged District Court Judge Gary A. Fenner's evidentiary ruling, his refusal to grant a mistrial, and his denial of the defendant's motion for a new trial when evidence of the defendant's polygraph test was presented at trial. On appeal, the Eighth Circuit found that the district court abused its discretion when it denied the defendant's motion for a mistrial following the introduction of the polygraph evidence, and that the refusal to grant a mistrial in light of the polygraph testimony was not a harmless error. In addition, the court of appeals found that a portion of a police detective's testimony was excessive, unduly prejudicial, and in great part irrelevant to the charged offenses. The district court's admission of this testimony over the objections of the defendant was not a harmless error and constituted an abuse of discretion.

33. 553 U.S. 137 (2008).

West v. Local 710, International Brotherhood of Teamsters Pension Plan, 528 F.3d 1082 (8th Cir. 2008)

A pension plan participant brought an action against the trustee of an Employee Retirement Income Security Act (ERISA) pension plan, and District Court Judge Charles R. Wolle granted the trustee's summary judgment motion and denied the trustee any attorneys' fees. On appeal, the Eighth Circuit affirmed the district court's decision to grant summary judgment, but ruled that while the district court has discretion in determining whether to award attorneys' fees under ERISA, it erred in denying the defendant the opportunity to present its motion before denying it.

Williams v. City of Carl Junction, 523 F.3d 841 (8th Cir. 2008)

A resident of the City of Carl Junction who had been issued a total of twenty-six municipal citations over a two-year period brought a civil rights action under 42 U.S.C. § 1983 against the city, alleging that the city had issued the citations in retaliation for his exercise of his First Amendment rights. District Court Judge Gary A. Fenner granted summary judgment to the city on all claims and awarded attorneys' fees to the defendant. On appeal, the Eighth Circuit reviewed the district court's award of fees and held that the plaintiff's case presented colorable arguments that were not frivolous or unreasonable, such that the district court abused its discretion in awarding attorneys' fees to the defendant.

REVERSALS FOR ABUSE OF DISCRETION INVOLVING SENTENCING GUIDELINES

As discussed above, this group contains those cases that were reversed based on issues involving the sentencing guidelines. As such, while nominally employing an abuse of discretion standard, these cases appear distinguishable in that they do not reflect the same type of failing by the district court judge as do the other abuse of discretion cases.

United States v. Aguilera, 523 F.3d 876 (8th Cir. 2008)

The defendant pleaded guilty to crimes involving the distribution of methamphetamine. The presentence investigation report calculated a guidelines range of 135 to 168 months. The defendant requested a sentence below the guidelines range, claiming

that his criminal history overstated his prior criminal conduct, and that the guidelines range failed to reflect his cooperation because it did not rise to the level of substantial assistance. The government objected on the ground that the guidelines are presumptively reasonable and that the defendant had failed to rebut that presumption. District Court Judge Fernando J. Gaitan, Jr., sentenced the defendant to 135 months' imprisonment. On appeal, the Eighth Circuit held that the district court abused its discretion in applying a presumption of reasonableness to the guidelines range.

United States v. Almeida-Perez, 549 F.3d 1162 (8th Cir. 2008)

The defendants pleaded guilty to firearms possession and were sentenced to twenty-four months' imprisonment. District Court Judge Ortrie D. Smith found that the defendants' possession of firearms was connected to their alleged possession of cocaine. On appeal, the Eighth Circuit held that the district court abused its discretion in holding without the necessary predicate findings that it was required to apply a sentence enhancement under the guidelines unless a connection between the guns and the cocaine was clearly improbable. The court of appeals held that applying the enhancement requires the district court to find either that the defendants were engaged in drug trafficking while in possession of the guns, or that the guns facilitated, or had the potential to facilitate, a drug offense; both findings were missing here. The Eighth Circuit remanded the sentencing stage of the trial for clarification of the findings.

United States v. Feemster, 531 F.3d 615 (8th Cir. 2008)

The defendant was convicted and sentenced for distributing crack cocaine and the government appealed his sentence. The Eighth Circuit held that District Court Judge Charles A. Shaw abused his discretion and committed procedural error because he varied downward from the bottom of the guidelines range in reliance on irrelevant factors. Specifically, the district court improperly gave significant weight to the defendant's age at the time of the offense, the absence of a weapon during the crime, and the defendant's successful completion of two terms of probation.

United States v. Guillen-Esquivel, 534 F.3d 817 (8th Cir. 2008)

The defendant was convicted and sentenced for document trafficking and aggravated identity theft. During sentencing for document trafficking, District Court Judge James M. Rosenbaum varied downward from the sentencing guidelines because he found that the sentence would be excessive. On appeal, the Eighth Circuit held that the district court abused its discretion by departing from the guidelines without sufficient justification.

United States v. Green, 513 F.3d 904 (8th Cir. 2008)

The defendant pleaded guilty to possession of fifty grams of cocaine within intent to distribute. District Court Judge Nanette K. Laughrey sentenced the defendant to eighty-seven months in prison. On appeal, the Eighth Circuit held that the district court abused its discretion in applying the sentencing guidelines.

United States v. Huff, 514 F.3d 818 (8th Cir. 2008)

Defendant pleaded guilty of being a felon in possession of a handgun and was sentenced by District Court Judge Nanette K. Laughrey to thirty-seven months in prison. The Eighth Circuit held that the district court abused its discretion in applying the sentencing guidelines.

United States v. Judon, 284 F. App'x 371 (8th Cir. 2008)

Defendant was convicted and sentenced for conspiring to distribute crack and powder cocaine. The court of appeals reversed and vacated the sentence, and the U.S. Supreme Court remanded for reconsideration in light of *Kimbrough v. United States*,[34] in which the Court rejected the position that the crack/powder cocaine disparity created by the sentencing guidelines was mandatory, holding that, like all other guidelines, it was advisory in nature. On remand, the Eighth Circuit held that District Court Judge Mark W. Bennett abused his discretion in applying the sentencing guidelines.

United States v. Leon-Alvarez, 532 F.3d 815 (8th Cir. 2008)

The defendant was convicted and sentenced for conspiring to distribute methamphetamine and for misusing employment eligibility

34. 552 U.S. 85 (2007).

verification. In determining the sentence, District Court Judge Donald E. O'Brien decided not to consider one of the defendant's prior convictions based on the reasoning that the guidelines' criminal history calculation was only advisory instead of mandatory. The government appealed the thirty-seven-month sentence. The Eighth Circuit held that the district court's decision was an abuse of discretion.

United States v. Pepper, 518 F.3d 949 (8th Cir. 2008)

The defendant pleaded guilty to conspiracy to distribute more than five hundred grams of methamphetamine. District Court Judge Mark W. Bennett departed downward 75 percent, sentencing the defendant to twenty-four-months' imprisonment. The court of appeals reversed, believing that the district court erred by considering factors unrelated to the defendant's assistance in granting the downward departure. On remand, the district court found that the defendant's assistance warranted a 40 percent downward departure, making the bottom range of the advisory sentencing guidelines to fifty-eight months. The district court then departed downward again by 59 percent because of the defendant's post-sentencing rehabilitation and lack of violent history, and the need to avoid unwarranted sentencing disparity among co-defendants. As a result, the district court again imposed a twenty-four-month sentence. On appeal, the court of appeals found that the district court abused its discretion by considering the defendant's post-sentence rehabilitation and lack of violent history because those factors had already been accounted for in the sentencing guidelines calculation. The court of appeals also held that the district erred when it considered the sentencing disparity between the defendant's codefendants without adequate foundation or explanation. The court of appeals explained that evidence of a defendant's post-sentence rehabilitation is not relevant because the district court could not have considered this evidence at the original sentencing hearing. Also, the Eighth Circuit noted that the district court judge was "double-count[ing]" the defendant's lack of a violent history.

United States v. Rhone, 535 F.3d 812 (8th Cir. 2008)

The defendant pleaded guilty to firearm and drug charges. As part of the sentence, District Court Judge Linda R. Reade ordered the

defendant to register as a sex offender based on a prior juvenile delinquency adjudication. On appeal, the Eighth Circuit ruled that before the district court could require the defendant to register as a sex offender, it had to determine whether the defendant's juvenile conviction was comparable to aggravated sexual abuse or an attempt or conspiracy to commit such an offense. The court of appeal held that the district court abused its discretion by not indicating the basis for imposing the requirement on the defendant to register as a sex offender.

United States v. Roberson, 517 F.3d 990 (8th Cir. 2008)

The defendants were convicted of crimes related to the sale of crack cocaine. District Court Judge Joan N. Ericksen sentenced the defendants, and the defendants appealed their sentences. On appeal, the sentences were vacated and the case was remanded to the district court, which again issued the same sentences. Upon resentencing, the district court stated that it could not take into consideration the disparity in the guidelines between crack cocaine and powder cocaine. Again, the defendants appealed their sentences. The Eighth Circuit applied an abuse of discretion standard and held that although the district court is under no obligation to consider the sentencing disparity between crack cocaine and powder cocaine, the district court erred in its belief that it could not consider the disparity. The court of appeals thus remanded the case for resentencing to ensure that the district court could consider the disparity if it warrants any variance from the sentencing guidelines.

United States v. Shy, 538 F.3d 933 (8th Cir. 2008)

Police officers observed the defendant as she purchased cold and allergy medicine at a store. The defendant then drove to another store and purchased more cold and allergy medicine. As the defendant drove away, the officers stopped her and searched her vehicle. A search of the vehicle yielded 31.68 grams of pseudoephedrine in the cold and allergy medicine. The officers believed that the defendant would use the pseudoephedrine to manufacture methamphetamine. The defendant was indicated and later convicted of possession of pseudoephedrine with the knowledge that it would be used to manufacture methamphetamine. District Court Judge Carol E. Jackson found that the defendant qualified for safety valve relief

under 18 U.S.C. § 3553(f). The district court found that, while the defendant's crime was serious and contributed to the methamphetamine problem, the defendant had successfully participated in a drug treatment program, rehabilitated herself, and no longer posed a threat to the public. As a result, the district court sentenced the defendant to three years' probation. The government appealed the sentence. The court of appeals found that, while the district court calculated the appropriate guidelines range and considered multiple factors in the sentence, the district court failed to adequately explain the defendant's sentence with sufficient justification for the downward departure. For instance, the district court did not analyze the fact that the defendant was found carrying methamphetamine when she was arrested, which calls into question her successful completion of the drug treatment program.

United States v. Spears, 533 F.3d 715 (8th Cir. 2008)

The defendant was convicted and sentenced for conspiracy to traffic cocaine. The court of appeals affirmed the conviction but reversed the sentence, and the Supreme Court vacated and remanded. Under *Kimbrough v. United States*,[35] the district court judge may determine in a particular case that a sentence pursuant to the guidelines is greater than necessary through an individualized assessment of the defendant in the particular case, but the district court may not categorically reject the ratio set forth by the guidelines. Here, District Court Judge Mark W. Bennett impermissibly replaced the 100 to 1 ratio of the guidelines with a 20 to 1 ratio without a specific evaluation of the facts in this case. Consequently, the Eighth Circuit reversed for abuse of discretion.

35. 552 U.S. 85 (2007).

TABLE D

CASES APPEALED AND REVERSED BY THE EIGHTH CIRCUIT

Below is a listing of the district court cases that were appealed and the cases that were reversed by the Court of Appeals for the Eighth Circuit in 2008. These cases are categorized first by district court, and then by district court judge. The cases are further categorized by type of case and grounds for reversal.

EASTERN DISTRICT OF ARKANSAS

Judge Garnett T. Eisele

Civil Cases Appealed

- Benton v. Merrill Lynch & Co., 524 F.3d 866 (8th Cir. 2008)
- Fields v. Shelter Mutual Insurance Co., 520 F.3d 859 (8th Cir. 2008)
- Jackson v. United Parcel Services, Inc., 548 F.3d 1137 (8th Cir. 2008)
- Pitchford v. Turbitt, 261 F. App'x 930 (8th Cir. 2008)
- Warren v. State Farm Fire & Casualty Co., 531 F.3d 683 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Robertson, 537 F.3d 859 (8th Cir. 2008)
- United States v. Spikes, 543 F.3d 1021 (8th Cir. 2008)
- United States v. Tucker, 533 F.3d 711 (8th Cir. 2008)
- United States v. Woods, 282 F. App'x 483 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- N/A

Criminal Cases Reversed

- United States v. Spikes, 543 F.3d 1021 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- United States v. Spikes, 543 F.3d 1021 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

Judge J. Leon Holmes

Civil Cases Appealed

- Coates v. Does, 285 F. App'x 308 (8th Cir. 2008)
- Equal Employment Opportunity Commission v. Southwestern Bell Telephone, L.P., 550 F.3d 704 (8th Cir. 2008)
- Halfacre v. Cruseturner, 299 F. App'x 609 (8th Cir. 2008)
- Henson v. Murray, 262 F. App'x 729 (8th Cir. 2008)
- Hughes v. Banks, 290 F. App'x 960 (8th Cir. 2008)
- Lowry *ex rel.* Crow v. Watson Chapel School District, 540 F.3d 752 (8th Cir. 2008)
- Marlin v. Jiminez, 282 F. App'x 503 (8th Cir. 2008)
- Roeben v. BG Excelsior Ltd. Partnership, 545 F.3d 639 (8th Cir. 2008)
- United States v. Porchay, 533 F.3d 704 (8th Cir. 2008)

Criminal Cases Appealed

- Ausler v. United States, 545 F.3d 1101 (8th Cir. 2008)
- United States v. Brockman, 313 F. App'x 910 (8th Cir. 2008)
- United States v. Jones, 523 F.3d 881 (8th Cir. 2008)

- United States v. Thomas, 524 F.3d 889 (8th Cir. 2008)
- United States v. Vincent, 519 F.3d 732 (8th Cir. 2008)

Habeas Cases Appealed

- Long v. Norris, 295 F. App'x 859 (8th Cir. 2008)
- Johnson v. Norris, 537 F.3d 840 (8th Cir. 2008)
- United States v. Lockett, 303 F. App'x 373 (8th Cir. 2008)

Other Cases Appealed

- Gaston v. Astrue, 276 F. App'x 536 (8th Cir. 2008)

Civil Cases Reversed

- Hughes v. Banks, 290 F. App'x 960 (8th Cir. 2008)

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- United States v. Lockett, 303 F. App'x 373 (8th Cir. 2008)

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Hughes v. Banks, 290 F. App'x 960 (8th Cir. 2008)
- United States v. Lockett, 303 F. App'x 373 (8th Cir. 2008)

Reversals for Clear Error or Other

- N/A

Judge George Howard, Jr.

Civil Cases Appealed

- Gray v. Arkansas Department of Human Services, 285 F. App'x 306 (8th Cir. 2008)
- Mills v. Anderson, 271 F. App'x 551 (8th Cir. 2008)

- Waterson v. Hall, 515 F.3d 852 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. McFarlin, 535 F.3d 808 (8th Cir. 2008)
- United States v. Pool, 261 F. App'x 930 (8th Cir. 2008)
- United States v. Rasool, 283 F. App'x 418 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Holloway v. City of Des Arc Arkansas, 299 F. App'x 611 (8th Cir. 2008)
- United States v. Rasool, 269 F. App'x 612 (8th Cir. 2008)

Civil Cases Reversed

- N/A

Criminal Cases Reversed

- United States v. Pool, 261 F. App'x 930 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- Holloway v. City of Des Arc Arkansas, 299 F. App'x 611 (8th Cir. 2008)
- United States v. Rasool, 269 F. App'x 612 (8th Cir. 2008)

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Holloway v. City of Des Arc Arkansas, 299 F. App'x 611 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Pool, 261 F. App'x 930 (8th Cir. 2008)
- United States v. Rasool, 269 F. App'x 612 (8th Cir. 2008)

Judge James M. Moody

Civil Cases Appealed

- Edwards v. Norris, 259 F. App'x 892 (8th Cir. 2008)
- Evans v. State Farm Fire & Casualty Co., 304 F. App'x 468 (8th Cir. 2008)
- Fegans v. Norris, 537 F.3d 897 (8th Cir. 2008)
- Gabriel v. Summers, 285 F. App'x 327 (8th Cir. 2008)
- Johnson v. Butler, 270 F. App'x 453 (8th Cir. 2008)
- Lane v. Celadon Trucking, Inc., 543 F.3d 1005 (8th Cir. 2008)
- Medical Liability Mutual Insurance Co. v. Alan Curtis, L.L.C., 519 F.3d 466 (8th Cir. 2008)
- Miller v. Nippon Carbon Co., 528 F.3d 1087 (8th Cir. 2008)
- Muhammad v. McCarrell, 536 F.3d 934 (8th Cir. 2008)
- Nelson v. Correctional Medical Services, 533 F.3d 958 (8th Cir. 2008)
- Northland Casualty Co. v. Meeks, 540 F.3d 869 (8th Cir. 2008)
- Owens v. Alltel Communications, Inc., 293 F. App'x 430 (8th Cir. 2008)
- PHL Variable Insurance Co. v. Fulbright McNeill, Inc., 519 F.3d 825 (8th Cir. 2008)
- Shabazz v. Arkansas Department of Corrections, 268 F. App'x 487 (8th Cir. 2008)
- Thompson v. Southern Farm Bureau Casualty Insurance Co., 520 F.3d 902 (8th Cir. 2008)
- Williams v. Harmon, 294 F. App'x 243 (8th Cir. 2008)
- Williams v. Norris, 277 F. App'x 647 (8th Cir. 2008)
- Williams v. Smallwood, 301 F. App'x 578 (8th Cir. 2008)
- Willis Smith & Co. v. Arkansas, 548 F.3d 638 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Adrow, 280 F. App'x 569 (8th Cir. 2008)
- United States v. Hibbler, 295 F. App'x 106 (8th Cir. 2008)
- United States v. Moten, 551 F.3d 763 (8th Cir. 2008)
- United States v. Onwumere, 530 F.3d 651 (8th Cir. 2008)
- United States v. Parker, 512 F.3d 1037 (8th Cir. 2008)
- United States v. Shields, 519 F.3d 836 (8th Cir. 2008)

- United States v. Stacey, 531 F.3d 565 (8th Cir. 2008)
- United States v. Washington, 528 F.3d 573 (8th Cir. 2008)
- United States v. Woodson, 280 F. App'x 568 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Hicks v. Astrue, 263 F. App'x 540 (8th Cir. 2008)
- Stanley v. Astrue, 298 F. App'x 537 (8th Cir. 2008)

Civil Cases Reversed

- Lane v. Celadon Trucking, Inc., 543 F.3d 1005 (8th Cir. 2008)
- Nelson v. Correctional Medical Services, 533 F.3d 958 (8th Cir. 2008)
- Thompson v. Southern Farm Bureau Casualty Insurance Co., 520 F.3d 902 (8th Cir. 2008)
- Williams v. Norris, 277 F. App'x 647 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Onwumere, 530 F.3d 651 (8th Cir. 2008)
- United States v. Stacey, 531 F.3d 565 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Lane v. Celadon Trucking, Inc., 543 F.3d 1005 (8th Cir. 2008)
- Nelson v. Correctional Medical Services, 533 F.3d 958 (8th Cir. 2008)
- United States v. Stacey, 531 F.3d 565 (8th Cir. 2008)
- Williams v. Norris, 277 F. App'x 647 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- Thompson v. Southern Farm Bureau Casualty Insurance Co., 520 F.3d 902 (8th Cir. 2008)
- United States v. Onwumere, 530 F.3d 651 (8th Cir. 2008)

Judge Rodney S. Webb

Civil Cases Appealed

- American Federation of State, County & Municipal Employees v. City of Benton, Arkansas, 513 F.3d 874 (8th Cir. 2008)
- Estate of Hutchins v. Motel 6 Operating, L.P., 288 F. App'x 309 (8th Cir. 2008)
- Jewell v. United States, 548 F.3d 1168 (8th Cir. 2008)
- Tweedle v. State Farm Fire & Casualty Co., 527 F.3d 664 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Gamboa, 295 F. App'x 857 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- Jewell v. United States, 548 F.3d 1168 (8th Cir. 2008)

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Jewell v. United States, 548 F.3d 1168 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

Judge William R. Wilson, Jr.

Civil Cases Appealed

- Abeyta v. Plant, 303 F. App'x 372 (8th Cir. 2008)
- Baptist Health v. Smith, 536 F.3d 869 (8th Cir. 2008)
- Bell v. American Greetings Corp., 279 F. App'x 415 (8th Cir. 2008)
- Blackwell v. Trail, 279 F. App'x 418 (8th Cir. 2008)
- Conner v. Doe, 285 F. App'x 304 (8th Cir. 2008)
- Day v. Correctional Medical Services, 281 F. App'x 624 (8th Cir. 2008)
- Flannigan v. Arkansas Game & Fish Commission, 300 F. App'x 433 (8th Cir. 2008)
- Followell v. United States, 532 F.3d 707 (8th Cir. 2008)
- Glenn v. Bachand, 277 F. App'x 660 (8th Cir. 2008)
- Greika v. United States, 281 F. App'x 631 (8th Cir. 2008)
- Griggs v. Norris, 297 F. App'x 553 (8th Cir. 2008)
- *In re* Prempro Products Liability Litigation, 514 F.3d 825 (8th Cir. 2008)
- Jackson v. Douglas, 270 F. App'x 462 (8th Cir. 2008)
- Jones v. Mountaire Corp. Long Term Disability Plan, 542 F.3d 234 (8th Cir. 2008)
- Koch v. Compucredit Corp., 543 F.3d 460 (8th Cir. 2008)
- Moore v. Forrest City School District, 524 F.3d 879 (8th Cir. 2008)
- Newingham v. Magness, 292 F. App'x 523 (8th Cir. 2008)
- Patel v. Prince, 276 F. App'x 531 (8th Cir. 2008)
- Phillips v. Mathews, 547 F.3d 905 (8th Cir. 2008)
- Small v. Arkansas Fair Housing Commission, 271 F. App'x 548 (8th Cir. 2008)

- Steinbuch v. Cutler, 518 F.3d 580 (8th Cir. 2008)
- Williams v. Pulaski County Detention Facility, 278 F. App'x 695 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. McFadden, 523 F.3d 839 (8th Cir. 2008)
- United States v. McGhee, 532 F.3d 733 (8th Cir. 2008)
- United States v. Nolen, 536 F.3d 834 (8th Cir. 2008)
- United States v. Peters, 524 F.3d 905 (8th Cir. 2008)
- United States v. Urquhart, 277 F. App'x 639 (8th Cir. 2008)
- United States v. Walker, 513 F.3d 891 (8th Cir. 2008)

Habeas Cases Appealed

- Nichols v. United States, 260 F. App'x 946 (8th Cir. 2008)

Other Cases Appealed

- United States v. $585,855.00 in U.S. Currency, 277 F. App'x 652 (8th Cir. 2008)

Civil Cases Reversed

- Conner v. Doe, 285 F. App'x 304 (8th Cir. 2008)
- Jones v. Mountaire Corp. Long Term Disability Plan, 542 F.3d 234 (8th Cir. 2008)
- Koch v. Compucredit Corp., 543 F.3d 460 (8th Cir. 2008)
- Patel v. Prince, 276 F. App'x 531 (8th Cir. 2008)
- Steinbuch v. Cutler, 518 F.3d 580 (8th Cir. 2008)
- Williams v. Pulaski County Detention Facility, 278 F. App'x 695 (8th Cir. 2008)

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- Patel v. Prince, 276 F. App'x 531 (8th Cir. 2008)

- Steinbuch v. Cutler, 518 F.3d 580 (8th Cir. 2008)

Reversals for De Novo Review of Law

- Jones v. Mountaire Corp. Long Term Disability Plan, 542 F.3d 234 (8th Cir. 2008)
- Koch v. Compucredit Corp., 543 F.3d 460 (8th Cir. 2008)
- Williams v. Pulaski County Detention Facility, 278 F. App'x 695 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- Conner v. Doe, 285 F. App'x 304 (8th Cir. 2008)

Judge Susan W. Wright

Civil Cases Appealed

- Batiste-Davis v. Lincare, Inc., 526 F.3d 377 (8th Cir. 2008)
- Bearden v. International Paper Co., 529 F.3d 828 (8th Cir. 2008)
- Culpepper v. Schafer, 548 F.3d 1119 (8th Cir. 2008)
- Diggs v. City of Osceola, 270 F. App'x 469 (8th Cir. 2008)
- Dill v. General American Life Insurance Co., 525 F.3d 612 (8th Cir. 2008)
- Green v. Norris, 299 F. App'x 606 (8th Cir. 2008)
- Harmon v. Department of Veterans Affairs, 301 F. App'x 569 (8th Cir. 2008)
- Johnson v. Arkansas State Hospital, 282 F. App'x 497 (8th Cir. 2008)
- O'Brien v. Department of Agriculture, 532 F.3d 805 (8th Cir. 2008)
- Smith v. East Arkansas Video, Inc., 276 F. App'x 542 (8th Cir. 2008)
- Smith v. Postal Service, 310 F. App'x 932 (8th Cir. 2008)
- Tappin v. Goodwin, 295 F. App'x 112 (8th Cir. 2008)
- Van v. Norris, 283 F. App'x 431 (8th Cir. 2008)
- Willis Smith & Co. v. Arkansas, 548 F.3d 638 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Allen, 540 F.3d 821 (8th Cir. 2008)
- United States v. Ault, 540 F.3d 798 (8th Cir. 2008)

- United States v. Gray, 275 F. App'x 563 (8th Cir. 2008)
- United States v. Hampton, 295 F. App'x 855 (8th Cir. 2008)
- United States v. James, 268 F. App'x 484 (8th Cir. 2008)
- United States v. Knuckles, 270 F. App'x 461 (8th Cir. 2008)
- United States v. Legros, 268 F. App'x 501 (8th Cir. 2008)
- United States v. Montgomery, 525 F.3d 627 (8th Cir. 2008)
- United States v. Price, 542 F.3d 617 (8th Cir. 2008)
- United States v. Sanders, 276 F. App'x 532 (8th Cir. 2008)
- United States v. Scoggins, 267 F. App'x 479 (8th Cir. 2008)
- United States v. Shoupe, 299 F. App'x 610 (8th Cir. 2008)
- United States v. Smith, 276 F. App'x 534 (8th Cir. 2008)
- United States v. Tingle, 524 F.3d 839 (8th Cir. 2008)
- United States v. Todd, 521 F.3d 891 (8th Cir. 2008)

Habeas Cases Appealed

- Thurman v. Sanders, 270 F. App'x 465 (8th Cir. 2008)
- VanDolah v. Sanders, 303 F. App'x 372 (8th Cir. 2008)

Other Cases Appealed

- Hepp v. Astrue, 511 F.3d 798 (8th Cir. 2008)
- Turner v. Norris, 273 F. App'x 579 (8th Cir. 2008)
- United States v. Johnson, 525 F.3d 648 (8th Cir. 2008)

Civil Cases Reversed

- Culpepper v. Schafer, 548 F.3d 1119 (8th Cir. 2008)

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- N/A

Other Cases Reversed

- Turner v. Norris, 273 F. App'x 579 (8th Cir. 2008)

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Culpepper v. Schafer, 548 F.3d 1119 (8th Cir. 2008)

- Turner v. Norris, 273 F. App'x 579 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

WESTERN DISTRICT OF ARKANSAS

Judge Harry F. Barnes

Civil Cases Appealed

- Hall v. Union Pacific Railroad Co., 261 F. App'x 931 (8th Cir. 2008)
- Percefull v. Claybaker, 312 F. App'x 827 (8th Cir. 2008)
- Shaw Group, Inc. v. Marcum, 516 F.3d 1061 (8th Cir. 2008)
- Smith v. International Paper Co., 523 F.3d 845 (8th Cir. 2008)
- Spurlock v. Ashley County, 281 F. App'x 628 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Brown, 528 F.3d 1030 (8th Cir. 2008)
- United States v. Weems, 517 F.3d 1027 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- Percefull v. Claybaker, 312 F. App'x 827 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Weems, 517 F.3d 1027 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Percefull v. Claybaker, 312 F. App'x 827 (8th Cir. 2008)
- United States v. Weems, 517 F.3d 1027 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

Judge Robert T. Dawson

Civil Cases Appealed

- Advance America Servicing of Arkansas, Inc. v. McGinnis, 526 F.3d 1170 (8th Cir. 2008)
- Brumley v. Garland County, 262 F. App'x 731 (8th Cir. 2008)
- Delaney v. Ashcraft, 295 F. App'x 115 (8th Cir. 2008)
- Fitzgerald v. Action, Inc., 521 F.3d 867 (8th Cir. 2008)
- Gleghorn v. Melton, 283 F. App'x 421 (8th Cir. 2008)
- Heritage Constructors, Inc. v. City of Greenwood, 545 F.3d 599 (8th Cir. 2008)
- Jackson v. Prudential Insurance Co. of America, 530 F.3d 696 (8th Cir. 2008)
- Kramme v. Safelite Group, Inc., 280 F. App'x 567 (8th Cir. 2008)
- McAdams v. McCord, 533 F.3d 924 (8th Cir. 2008)
- McKenzie v. Malone, 261 F. App'x 920 (8th Cir. 2008)
- Miner v. Local #373, 513 F.3d 854 (8th Cir. 2008)
- Newton v. Clinical Reference Laboratory, Inc., 517 F.3d 554 (8th Cir. 2008)
- Receivables Purchasing Co. v. Engineering & Professional Services, Inc., 510 F.3d 840 (8th Cir. 2008)
- Rose v. City of Mulberry, 533 F.3d 678 (8th Cir. 2008)
- Whitehead v. Vaughn, 273 F. App'x 581 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Cheezem, 282 F. App'x 499 (8th Cir. 2008)
- United States v. Embry, 277 F. App'x 641 (8th Cir. 2008)

- United States v. Howe, 538 F.3d 842 (8th Cir. 2008)
- United States v. Pate, 518 F.3d 972 (8th Cir. 2008)
- United States v. Sarver, 277 F. App'x 661 (8th Cir. 2008)
- United States v. Wanton, 525 F.3d 621 (8th Cir. 2008)
- United States v. Williams, 533 F.3d 673 (8th Cir. 2008)
- United States v. Zastrow, 534 F.3d 854 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Bayley v. Astrue, 285 F. App'x 324 (8th Cir. 2008)

Civil Cases Reversed

- Fitzgerald v. Action, Inc., 521 F.3d 867 (8th Cir. 2008)
- McAdams v. McCord, 533 F.3d 924 (8th Cir. 2008)
- Miner v. Local # 373, 513 F.3d 854 (8th Cir. 2008)
- Newton v. Clinical Reference Laboratory, Inc., 517 F.3d 554 (8th Cir. 2008)
- Receivables Purchasing Co. v. Engineering & Professional Services, Inc., 510 F.3d 840 (8th Cir. 2008)

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- McAdams v. McCord, 533 F.3d 924 (8th Cir. 2008)

Reversals for De Novo Review of Law

- Fitzgerald v. Action, Inc., 521 F.3d 867 (8th Cir. 2008)
- Miner v. Local # 373, 513 F.3d 854 (8th Cir. 2008)
- Receivables Purchasing Co. v. Engineering & Professional Services, Inc., 510 F.3d 840 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- Newton v. Clinical Reference Laboratory, Inc., 517 F.3d 554 (8th Cir. 2008)

Judge Jimm L. Hendren

Civil Cases Appealed

- Koch v. Southwestern Electric Power Co., 544 F.3d 906 (8th Cir. 2008)
- Nunley v. Department of Justice, 283 F. App'x 434 (8th Cir. 2008)
- Powers v. Unum Life Insurance Co. of America, 277 F. App'x 655 (8th Cir. 2008)
- Pryor-Kendrick v. Clinger, 263 F. App'x 541 (8th Cir. 2008)
- Stalley v. Regency Hospital Co., 278 F. App'x 705 (8th Cir. 2008)
- Stufflebeam v. Harris, 521 F.3d 884 (8th Cir. 2008)
- Sturgill v. United Parcel Service, Inc., 512 F.3d 1024 (8th Cir. 2008)
- Thornton Drilling Co. v. National Union Fire Insurance Co. of Pittsburgh, 537 F.3d 943 (8th Cir. 2008)

Criminal Cases Appealed

- Paul v. United States, 534 F.3d 832 (8th Cir. 2008)
- United States v. Chacon-Vega, 262 F. App'x 730 (8th Cir. 2008)
- United States v. Diaz, 546 F.3d 566 (8th Cir. 2008)
- United States v. Everman, 528 F.3d 570 (8th Cir. 2008)
- United States v. Fincher, 538 F.3d 868 (8th Cir. 2008)
- United States v. Fortino, 281 F. App'x 629 (8th Cir. 2008)
- United States v. Grayson, 261 F. App'x 912 (8th Cir. 2008)
- United States v. King, 518 F.3d 571 (8th Cir. 2008)
- United States v. Langley, 549 F.3d 726 (8th Cir. 2008)
- United States v. Magana-Aguirre, 546 F.3d 957 (8th Cir. 2008)
- United States v. Marston, 517 F.3d 996 (8th Cir. 2008)
- United States v. Miranda, 524 F.3d 840 (8th Cir. 2008)
- United States v. Neal, 528 F.3d 1069 (8th Cir. 2008)
- United States v. Toothman, 543 F.3d 967 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Engleman v. Deputy Murray, 546 F.3d 944 (8th Cir. 2008)
- United States v. Wallace, 550 F.3d 729 (8th Cir. 2008)

Civil Cases Reversed

- Stufflebeam v. Harris, 521 F.3d 884 (8th Cir. 2008)
- Sturgill v. United Parcel Service, Inc., 512 F.3d 1024 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Chacon-Vega, 262 F. App'x 730 (8th Cir. 2008)
- United States v. Fincher, 538 F.3d 868 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- Engleman v. Deputy Murray, 546 F.3d 944 (8th Cir. 2008)

Reversals for Abuse of Discretion

- United States v. Fincher, 538 F.3d 868 (8th Cir. 2008)

Reversals for De Novo Review of Law

- Engleman v. Deputy Murray, 546 F.3d 944 (8th Cir. 2008)
- Stufflebeam v. Harris, 521 F.3d 884 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- Sturgill v. United Parcel Service, Inc., 512 F.3d 1024 (8th Cir. 2008)
- United States v. Chacon-Vega, 262 F. App'x 730 (8th Cir. 2008)

Judge James M. Moody

Civil Cases Appealed

- N/A

Criminal Cases Appealed

- N/A

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Hamm v. Astrue, 268 F. App'x 492 (8th Cir. 2008)

Civil Cases Reversed

- N/A

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- N/A

Other Cases Reversed

- Hamm v. Astrue, 268 F. App'x 492 (8th Cir. 2008)

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Hamm v. Astrue, 268 F. App'x 492 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

NORTHERN DISTRICT OF IOWA

Judge Mark W. Bennett

Civil Cases Appealed

- Fuller v. Alliant Energy, 283 F. App'x 426 (8th Cir. 2008)
- On Equity Sales Co. v. Pals, 528 F.3d 564 (8th Cir. 2008)
- Thompson v. Black Hawk County Sheriff's Office, 267 F. App'x 480 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Aragon-Hernandez, 280 F. App'x 567 (8th Cir. 2008)
- United States v. Becker, 534 F.3d 952 (8th Cir. 2008)
- United States v. Beenen, 305 F. App'x 307 (8th Cir. 2008)
- United States v. Brown, 261 F. App'x 915 (8th Cir. 2008)
- United States v. Cole, 537 F.3d 923 (8th Cir. 2008)
- United States v. Espinosa, 539 F.3d 926 (8th Cir. 2008)
- United States v. Freemont, 513 F.3d 884 (8th Cir. 2008)
- United States v. Herron, 275 F. App'x 574 (8th Cir. 2008)
- United States v. Honken, 541 F.3d 1146 (8th Cir. 2008)
- United States v. Huntley, 523 F.3d 874 (8th Cir. 2008)
- United States v. Judon, 284 F. App'x 371 (8th Cir. 2008)
- United States v. Kling, 516 F.3d 702 (8th Cir. 2008)
- United States v. Lopez, 526 F.3d 1128 (8th Cir. 2008)
- United States v. Mathison, 518 F.3d 935 (8th Cir. 2008)
- United States v. McMannus, 262 F. App'x 732 (8th Cir. 2008)
- United States v. Nieman, 520 F.3d 834 (8th Cir. 2008)
- United States v. Parks, 283 F. App'x 428 (8th Cir. 2008)
- United States v. Pepper, 518 F.3d 949 (8th Cir. 2008)
- United States v. Ramirez-Fuentes, 285 F. App'x 305 (8th Cir. 2008)
- United States v. Razo-Guerra, 534 F.3d 970 (8th Cir. 2008)
- United States v. Shareef, 259 F. App'x 897 (8th Cir. 2008)
- United States v. Smith, 295 F. App'x 109 (8th Cir. 2008)
- United States v. Spears, 533 F.3d 715 (8th Cir. 2008)
- United States v. Swanson, 301 F. App'x 576 (8th Cir. 2008)
- United States v. Williams, 512 F.3d 1040 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- N/A

Criminal Cases Reversed

- United States v. Freemont, 513 F.3d 884 (8th Cir. 2008)
- United States v. Huntley, 523 F.3d 874 (8th Cir. 2008)
- United States v. Judon, 284 F. App'x 371 (8th Cir. 2008)
- United States v. Parks, 283 F. App'x 428 (8th Cir. 2008)
- United States v. Pepper, 518 F.3d 949 (8th Cir. 2008)
- United States v. Spears, 533 F.3d 715 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- United States v. Freemont, 513 F.3d 884 (8th Cir. 2008)
- United States v. Judon, 284 F. App'x 371 (8th Cir. 2008)
- United States v. Pepper, 518 F.3d 949 (8th Cir. 2008)
- United States v. Spears, 533 F.3d 715 (8th Cir. 2008)

Reversals for De Novo Review of Law

- N/A

Reversals for Clear Error and Other Grounds

- United States v. Huntley, 523 F.3d 874 (8th Cir. 2008)
- United States v. Parks, 283 F. App'x 428 (8th Cir. 2008)

Judge Donald E. O'Brien

Civil Cases Appealed

- Estate of Blume v. Marian Health Center, 516 F.3d 705 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Espinoza, 282 F. App'x 504 (8th Cir. 2008)
- United States v. Garcia-Hernandez, 530 F.3d 657 (8th Cir. 2008)
- United States v. Leon-Alvarez, 532 F.3d 815 (8th Cir. 2008)
- United States v. Morelos, 544 F.3d 916 (8th Cir. 2008)
- United States v. Sanchez-Florez, 533 F.3d 938 (8th Cir. 2008)
- United States v. Santana, 524 F.3d 851 (8th Cir. 2008)
- United States v. Sturdivant, 513 F.3d 795 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Estate of Storm v. Northwest Iowa Hospital Corp., 548 F.3d 686 (8th Cir. 2008)

Civil Cases Reversed

- Estate of Blume v. Marian Health Center, 516 F.3d 705 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Garcia-Hernandez, 530 F.3d 657 (8th Cir. 2008)
- United States v. Leon-Alvarez, 532 F.3d 815 (8th Cir. 2008)
- United States v. Santana, 524 F.3d 851 (8th Cir. 2008)
- United States v. Sturdivant, 513 F.3d 795 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- United States v. Leon-Alvarez, 532 F.3d 815 (8th Cir. 2008)

Reversals for De Novo Review of Law

- United States v. Santana, 524 F.3d 851 (8th Cir. 2008)
- United States v. Sturdivant, 513 F.3d 795 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- Estate of Blume v. Marian Health Center, 516 F.3d 705 (8th Cir. 2008)
- United States v. Garcia-Hernandez, 530 F.3d 657 (8th Cir. 2008)

Judge Linda R. Reade

Civil Cases Appealed

- Berstler v. United Rentals, Inc., 300 F. App'x 434 (8th Cir. 2008)
- Christoffersen v. Yellow Book USA, 536 F.3d 947 (8th Cir. 2008)
- Heaton v. Weitz Co., 534 F.3d 882 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Acosta-Delgado, 302 F. App'x 498 (8th Cir. 2008)
- United States v. Allebach, 526 F.3d 385 (8th Cir. 2008)
- United States v. Bradley, 261 F. App'x 923 (8th Cir. 2008)
- United States v. Brown, 539 F.3d 835 (8th Cir. 2008)
- United States v. Clay, 524 F.3d 877 (8th Cir. 2008)
- United States v. Cole, 525 F.3d 656 (8th Cir. 2008)
- United States v. Cunningham, 281 F. App'x 626 (8th Cir. 2008)
- United States v. Deverell, 281 F. App'x 633 (8th Cir. 2008)
- United States v. Engler, 521 F.3d 965 (8th Cir. 2008)
- United States v. Fleming, 271 F. App'x 538 (8th Cir. 2008)
- United States v. Florang, 261 F. App'x 916 (8th Cir. 2008)
- United States v. Fry, 276 F. App'x 547 (8th Cir. 2008)
- United States v. Hansel, 524 F.3d 841 (8th Cir. 2008)
- United States v. Hawkins, 548 F.3d 1143 (8th Cir. 2008)

- United States v. Hernandez-Carillo, 270 F. App'x 448 (8th Cir. 2008)
- United States v. Hernandez-Florez, 288 F. App'x 307 (8th Cir. 2008)
- United States v. Holt, 259 F. App'x 893 (8th Cir. 2008)
- United States v. Johnston, 533 F.3d 972 (8th Cir. 2008)
- United States v. Jones, 539 F.3d 895 (8th Cir. 2008)
- United States v. Kowal, 527 F.3d 741 (8th Cir. 2008)
- United States v. Lanagan, 277 F. App'x 657 (8th Cir. 2008)
- United States v. Lucas, 521 F.3d 861 (8th Cir. 2008)
- United States v. Martin, 278 F. App'x 696 (8th Cir. 2008)
- United States v. McDonald, 521 F.3d 975 (8th Cir. 2008)
- United States v. Miner, 544 F.3d 930 (8th Cir. 2008)
- United States v. Mitchell, 528 F.3d 1034 (8th Cir. 2008)
- United States v. Moore, 518 F.3d 577 (8th Cir. 2008)
- United States v. Niehaus, 292 F. App'x 520 (8th Cir. 2008)
- United States v. Palmer, 278 F. App'x 702 (8th Cir. 2008)
- United States v. Perkins, 277 F. App'x 658 (8th Cir. 2008)
- United States v. Pipkin, 304 F. App'x 468 (8th Cir. 2008)
- United States v. Platter, 514 F.3d 782 (8th Cir. 2008)
- United States v. Rhone, 535 F.3d 812 (8th Cir. 2008)
- United States v. Ritter, 274 F. App'x 498 (8th Cir. 2008)
- United States v. Roundtree, 534 F.3d 876 (8th Cir. 2008)
- United States v. Saddler, 538 F.3d 879 (8th Cir. 2008)
- United States v. Sagert, 294 F. App'x 246 (8th Cir. 2008)
- United States v. Samuels, 543 F.3d 1013 (8th Cir. 2008)
- United States v. Snyder, 511 F.3d 813 (8th Cir. 2008)
- United States v. Starr, 533 F.3d 985 (8th Cir. 2008)
- United States v. Stevens, 530 F.3d 714 (8th Cir. 2008)
- United States v. Thomas, 524 F.3d 855 (8th Cir. 2008)
- United States v. Tipton, 518 F.3d 591 (8th Cir. 2008)
- United States v. Watkins, 297 F. App'x 579 (8th Cir. 2008)
- United States v. Watkins, 276 F. App'x 523 (8th Cir. 2008)
- United States v. Whiting, 528 F.3d 595 (8th Cir. 2008)
- United States v. Whiting, 522 F.3d 845 (8th Cir. 2008)
- United States v. Wilkinson, 273 F. App'x 580 (8th Cir. 2008)
- United States v. Williams, 268 F. App'x 493 (8th Cir. 2008)
- United States v. Woods, 531 F.3d 701 (8th Cir. 2008)

- United States v. Zhang Jian Long, 295 F. App'x 114 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- N/A

Criminal Cases Reversed

- United States v. Rhone, 535 F.3d 812 (8th Cir. 2008)
- United States v. Thomas, 524 F.3d 855 (8th Cir. 2008)
- United States v. Whiting, 522 F.3d 845 (8th Cir. 2008)
- United States v. Wilkinson, 273 F. App'x 580 (8th Cir. 2008)
- United States v. Woods, 531 F.3d 701 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- United States v. Rhone, 535 F.3d 812 (8th Cir. 2008)

Reversals for De Novo Review of Law

- United States v. Thomas, 524 F.3d 855 (8th Cir. 2008)
- United States v. Whiting, 522 F.3d 845 (8th Cir. 2008)
- United States v. Woods, 531 F.3d 701 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Wilkinson, 273 F. App'x 580 (8th Cir. 2008)

SOUTHERN DISTRICT OF IOWA

Judge James E. Gritzner

Civil Cases Appealed

- Aurora National Life Assurance Co. v. Ewing, 527 F.3d 1358 (8th Cir. 2008)
- Walker v. Iowa Department of Corrections, 298 F. App'x 535 (8th Cir. 2008)

Criminal Cases Appealed

- Steele v. United States, 518 F.3d 986 (8th Cir. 2008)
- United States v. Abdul-Aziz, 270 F. App'x 452 (8th Cir. 2008)
- United States v. Andrade-Rodriguez, 531 F.3d 721 (8th Cir. 2008)
- United States v. Boesen, 541 F.3d 838 (8th Cir. 2008)
- United States v. Gaddy, 532 F.3d 783 (8th Cir. 2008)
- United States v. Gill, 513 F.3d 836 (8th Cir. 2008)
- United States v. Heikes, 525 F.3d 662 (8th Cir. 2008)
- United States v. Johnson, 517 F.3d 1020 (8th Cir. 2008)
- United States v. May, 535 F.3d 912 (8th Cir. 2008)
- United States v. Mendoza-Gonzalez, 520 F.3d 912 (8th Cir. 2008)
- United States v. Rasavanh, 298 F. App'x 531 (8th Cir. 2008)
- United States v. Still, 275 F. App'x 561 (8th Cir. 2008)
- United States v. Webster, 524 F.3d 890 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- Walker v. Iowa Department of Corrections, 298 F. App'x 535 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Boesen, 541 F.3d 838 (8th Cir. 2008)
- United States v. Heikes, 525 F.3d 662 (8th Cir. 2008)
- United States v. Webster, 524 F.3d 890 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- United States v. Boesen, 541 F.3d 838 (8th Cir. 2008)
- United States v. Webster, 524 F.3d 890 (8th Cir. 2008)
- Walker v. Iowa Department of Corrections, 298 F. App'x 535 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Heikes, 525 F.3d 662 (8th Cir. 2008)

Judge John A. Jarvey

Civil Cases Appealed

- Carlson v. ACH Food Co., 300 F. App'x 446 (8th Cir. 2008)
- Dunning v. Bush, 536 F.3d 879 (8th Cir. 2008)
- Olsen v. Mukasey, 541 F.3d 827 (8th Cir. 2008)
- Rambo Associates, Inc., v. South Tama County Community School District, 512 F.3d 998 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Bain, 537 F.3d 876 (8th Cir. 2008)
- United States v. Clay, 295 F. App'x 857 (8th Cir. 2008)
- United States v. Dembry, 535 F.3d 798 (8th Cir. 2008)
- United States v. Flores-Figueroa, 274 F. App'x 501 (8th Cir. 2008)
- United States v. Frederick, 302 F. App'x 498 (8th Cir. 2008)

- United States v. Fronczak, 279 F. App'x 419 (8th Cir. 2008)
- United States v. Kirk, 528 F.3d 1102 (8th Cir. 2008)
- United States v. Lynch, 276 F. App'x 546 (8th Cir. 2008)
- United States v. Mackmore, 302 F. App'x 506 (8th Cir. 2008)
- United States v. Miller, No. 302 F. App'x 501 (8th Cir. 2008)
- United States v. Negrete, 537 F.3d 918 (8th Cir. 2008)
- United States v. Powills, 537 F.3d 947 (8th Cir. 2008)
- United States v. Staggs, 527 F.3d 680 (8th Cir. 2008)
- United States v. Webb, 545 F.3d 673 (8th Cir. 2008)
- United States v. Williams, 261 F. App'x 917 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- Dunning v. Bush, 536 F.3d 879 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Kirk, 528 F.3d 1102 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- Dunning v. Bush, 536 F.3d 879 (8th Cir. 2008)

Reversals for De Novo Review of Law

- N/A

Reversals for Clear Error and Other Grounds

- United States v. Kirk, 528 F.3d 1102 (8th Cir. 2008)

Judge Ronald E. Longstaff

Civil Cases Appealed

- American Growers Insurance Co. v. Federal Crop Insurance Corp., 532 F.3d 797 (8th Cir. 2008)
- Close v. Lund, 281 F. App'x 639 (8th Cir. 2008)
- Dowell v. Wells Fargo Bank, 517 F.3d 1024 (8th Cir. 2008)
- Jeffrey v. Ault, 276 F. App'x 528 (8th Cir. 2008)
- Welch v. Manning, 282 F. App'x 504 (8th Cir. 2008)

Criminal Cases Appealed

- Forsyth v. Ault, 537 F.3d 887 (8th Cir. 2008)
- United States v. Boal, 534 F.3d 965 (8th Cir. 2008)
- United States v. Chavarria-Brito, 526 F.3d 1184 (8th Cir. 2008)
- United States v. Close, 518 F.3d 617 (8th Cir. 2008)
- United States v. Cole, 278 F. App'x 706 (8th Cir. 2008)
- United States v. Coplen, 533 F.3d 929 (8th Cir. 2008)
- United States v. Cortez-Jiminez, 282 F. App'x 485 (8th Cir. 2008)
- United States v. Davis, 534 F.3d 903 (8th Cir. 2008)
- United States v. Foglesong, 314 F. App'x 904 (8th Cir. 2008)
- United States v. Pierson, 544 F.3d 933 (8th Cir. 2008)
- United States v. Pruett, 523 F.3d 863 (8th Cir. 2008)
- United States v. Valdez, 297 F. App'x 560 (8th Cir. 2008)
- United States v. Weaver, 287 F. App'x 547 (8th Cir. 2008)
- United States v. Worrels, 272 F. App'x 531 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- American Growers Insurance Co. v. Federal Crop Insurance Corp., 532 F.3d 797 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Boal, 534 F.3d 965 (8th Cir. 2008)
- United States v. Cole, 278 F. App'x 706 (8th Cir. 2008)
- United States v. Foglesong, 314 F. App'x 904 (8th Cir. 2008)
- United States v. Pruett, 523 F.3d 863 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- United States v. Boal, 534 F.3d 965 (8th Cir. 2008)

Reversals for De Novo Review

- American Growers Insurance Co. v. Federal Crop Insurance Corp., 532 F.3d 797 (8th Cir. 2008)
- United States v. Foglesong, 314 F. App'x 904 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Cole, 278 F. App'x 706 (8th Cir. 2008)
- United States v. Pruett, 523 F.3d 863 (8th Cir. 2008)

Judge Robert W. Pratt

Civil Cases Appealed

- Anderson v. Vilsack, 297 F. App'x 567 (8th Cir. 2008)
- Clark v. U.S. Department of Agriculture, 537 F.3d 934 (8th Cir. 2008)
- Hartsfield v. Nichols, 511 F.3d 826 (8th Cir. 2008)
- Ladco Properties XVII v. Jefferson-Pilot Life Insurance Co., 531 F.3d 718 (8th Cir. 2008)
- Shannon v. Barilla America, Inc., 300 F. App'x 437 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Anim, 297 F. App'x 580 (8th Cir. 2008)
- United States v. Banks, 514 F.3d 769 (8th Cir. 2008)

- United States v. Clime, 264 F. App'x 540 (8th Cir. 2008)
- United States v. Comstock, 531 F.3d 667 (8th Cir. 2008)
- United States v. Crawford, 523 F.3d 858 (8th Cir. 2008)
- United States v. Dodd, 307 F. App'x 16 (8th Cir. 2008)
- United States v. Garate, 543 F.3d 1026 (8th Cir. 2008)
- United States v. Geyer, 317 F. App'x 569 (8th Cir. 2008)
- United States v. Liddell, 517 F.3d 1007 (8th Cir. 2008)
- United States v. McDonald, 267 F. App'x 477 (8th Cir. 2008)
- United States v. Morales-Uribe, 269 F. App'x 614 (8th Cir. 2008)
- United States v. Portillo, 278 F. App'x 712 (8th Cir. 2008)
- United States v. Rincon-Nieto, 281 F. App'x 643 (8th Cir. 2008)
- United States v. Starr, 259 F. App'x 904 (8th Cir. 2008)
- United States v. Street, 531 F.3d 703 (8th Cir. 2008)

Habeas Cases Appealed

- Runyan v. Burt, 521 F.3d 942 (8th Cir. 2008)

Other Cases Appealed

- McGhee v. Pottawattamie County, 547 F.3d 922 (8th Cir. 2008)
- McGhee v. Pottawattamie County, 514 F.3d 739 (8th Cir. 2008)
- Owens v. Severin, 297 F. App'x 580 (8th Cir. 2008)
- Owens v. Severin, 293 F. App'x 425 (8th Cir. 2008)
- Union County v. Piper Jaffray & Co., 525 F.3d 643 (8th Cir. 2008)

Civil Cases Reversed

- N/A

Criminal Cases Reversed

- United States v. Geyer, 317 F. App'x 569 (8th Cir. 2008)
- United States v. Morales-Uribe, 269 F. App'x 614 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- McGhee v. Pottawattamie County, 547 F.3d 922 (8th Cir. 2008)
- McGhee v. Pottawattamie County, 514 F.3d 739 (8th Cir. 2008)
- Owens v. Severin, 293 F. App'x 425 (8th Cir. 2008)
- Union County v. Piper Jaffray & Co., 525 F.3d 643 (8th Cir. 2008)

Reversals for Abuse of Discretion

- Union County v. Piper Jaffray & Co., 525 F.3d 643 (8th Cir. 2008)

Reversals for De Novo Review of Law

- McGhee v. Pottawattamie County, 547 F.3d 922 (8th Cir. 2008)
- McGhee v. Pottawattamie County, 514 F.3d 739 (8th Cir. 2008)
- United States v. Geyer, 317 F. App'x 569 (8th Cir. 2008)
- United States v. Morales-Uribe, 269 F. App'x 614 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- Owens v. Severin, 293 F. App'x 425 (8th Cir. 2008)

Judge Harold D. Vietor

Civil Cases Appealed

- Eckert v. Titan Tire Corp., 514 F.3d 801 (8th Cir. 2008)
- Great Plains Real Estate Development, L.L.C. v. Union Central Life Insurance Co., 536 F.3d 939 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Jenkins, 537 F.3d 894 (8th Cir. 2008)
- United States v. Johnson, 528 F.3d 575 (8th Cir. 2008)
- United States v. Swope, 542 F.3d 609 (8th Cir. 2008)

Habeas Cases Appealed

- Stiltner v. Carter, 268 F. App'x 496 (8th Cir. 2008)

Other Cases Appealed

- N/A

Reversals

- N/A

Judge Charles R. Wolle

Civil Cases Appealed

- Anderson v. CNH U.S. Pension Plan, 515 F.3d 823 (8th Cir. 2008)
- West v. Local 710, International Brotherhood of Teamsters Pension Plan, 528 F.3d 1082 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Andrade-Rodriguez, 531 F.3d 721 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Conklin v. Astrue, 282 F. App'x 488 (8th Cir. 2008)
- Finch v. Astrue, 547 F.3d 933 (8th Cir. 2008)
- Flynn v. Astrue, 513 F.3d 788 (8th Cir. 2008)
- Lamp v. Astrue, 531 F.3d 629 (8th Cir. 2008)
- McGee v. Astrue, 291 F. App'x 783 (8th Cir. 2008)
- Owen v. Astrue, 551 F.3d 792 (8th Cir. 2008)

Civil Cases Reversed

- West v. Local 710, International Brotherhood of Teamsters Pension Plan, 528 F.3d 1082 (8th Cir. 2008)

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- N/A

Other Cases Reversed

- Lamp v. Astrue, 531 F.3d 629 (8th Cir. 2008)

Reversals for Abuse of Discretion

- West v. Local 710, International Brotherhood of Teamsters Pension Plan, 528 F.3d 1082 (8th Cir. 2008)

Reversals for De Novo Review of Law

- Lamp v. Astrue, 531 F.3d 629 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

DISTRICT OF MINNESOTA

Judge Michael J. Davis

Civil Cases Appealed

- Advantage Media, L.L.C. v. City of Hopkins, 511 F.3d 833 (8th Cir. 2008)
- BNSF Railway Co. v. Swanson, 533 F.3d 618 (8th Cir. 2008)
- Bryant v. Department of Defense, 313 F. App'x 910 (8th Cir. 2008)
- Corbett v. Crest View Lutherna Home, 283 F. App'x 416 (8th Cir. 2008)
- Duluth, Winnipeg, & Pacific Railway Co. v. City of Orr, 529 F.3d 794 (8th Cir. 2008)
- Fairbrook Leasing, Inc. v. Mesaba Aviation, Inc., 519 F.3d 421 (8th Cir. 2008)
- Gill v. Maciejewski, 546 F.3d 557 (8th Cir. 2008)
- Kolosky v. Unum Life Insurance Co. of America, 297 F. App'x 548 (8th Cir. 2008)
- Loeb v. Best Buy Co., 537 F.3d 867 (8th Cir. 2008)
- Noble Systems Corp. v. Alorica Central, L.L.C., 543 F.3d 978 (8th Cir. 2008)
- Ornes v. Edblad, 271 F. App'x. 545 (8th Cir. 2008)
- Stephenson v. El-Batrawi, 524 F.3d 907 (8th Cir. 2008)
- Washington v. Symmes, 297 F. App'x 549 (8th Cir. 2008)

- Washington v. Uner, 273 F. App'x 575 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Fisher, 300 F. App'x 441 (8th Cir. 2008)
- United States v. Love, 521 F.3d 1007 (8th Cir. 2008)
- United States v. Oliver, 550 F.3d 734 (8th Cir. 2008)
- United States v. Van, 543 F.3d 963 (8th Cir. 2008)
- United States v. Wesseh, 531 F.3d 633 (8th Cir. 2008)

Habeas Cases Appealed

- Ramanauskas v. United States, 526 F.3d 1111 (8th Cir. 2008)

Other Cases Appealed

- Henning v. Mainstreet Bank, 538 F.3d 975 (8th Cir. 2008) (bankruptcy case)
- *In re* NVE Corp. Securities Litigation, 527 F.3d 749 (8th Cir. 2008)
- Sherbrooke v. City of Pelican Rapids, 513 F.3d 809 (8th Cir. 2008) (interlocutory appeal)
- United States v. Bacote, 266 F. App'x 497 (8th Cir. 2008) (motion to suppress)
- United States v. P.A.V., 313 F. App'x 913 (8th Cir. 2008) (juvenile case)

Civil Cases Reversed

- BNSF Railway Co. v. Swanson, 533 F.3d 618 (8th Cir. 2008)
- Duluth, Winnipeg, & Pacific Railway Co. v. City of Orr, 529 F.3d 794 (8th Cir. 2008)
- Stephenson v. El-Batrawi, 524 F.3d 907 (8th Cir. 2008)

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- N/A

Other Cases Reversed

- Sherbrooke v. City of Pelican Rapids, 513 F.3d 809 (8th Cir. 2008) (interlocutory appeal)

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- BNSF Railway Co. v. Swanson, 533 F.3d 618 (8th Cir. 2008)
- Duluth, Winnipeg, & Pacific Railway Co. v. City of Orr, 529 F.3d 794 (8th Cir. 2008)
- Sherbrooke v. City of Pelican Rapids, 513 F.3d 809 (8th Cir. 2008) (interlocutory appeal)

Reversals for Clear Error and Other Grounds

- Stephenson v. El-Batrawi, 524 F.3d 907 (8th Cir. 2008)

Judge David S. Doty

Civil Cases Appealed

- Abdullah v. Minnesota, 261 F. App'x 926 (8th Cir. 2008)
- Applewhite-Bey v. Tripoli, 283 F. App'x 426 (8th Cir. 2008)
- Corn Plus Coop. v. Continental Casualty Co., 516 F.3d 674 (8th Cir. 2008)
- Housley v. City of Edina, 267 F. App'x 485 (8th Cir. 2008)
- Keys v. United States, 545 F.3d 644 (8th Cir. 2008)
- M.Y. v. Special School District No. 1, 544 F.3d 885 (8th Cir. 2008)
- Moore v. Indehar, 514 F.3d 756 (8th Cir. 2008)
- MSK EyEs Ltd. v. Wells Fargo Bank, N.A., 546 F.3d 533 (8th Cir. 2008)
- Saint Mary's Hospital of Rochester, Minnesota v. Leavitt, 535 F.3d 802 (8th Cir. 2008)
- Snyder v. Snyder, 300 F. App'x 440 (8th Cir., 2008)
- St. Paul Fire & Marine Insurance Co. v. Compaq Computer Corp., 539 F.3d 809 (8th Cir. 2008)
- Tran v. Minnesota Department of Transportation, 259 F. App'x 901 (8th Cir. 2008)
- United States v. McNeal, 301 F. App'x 573 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Alexander, 301 F. App'x 580 (8th Cir. 2008)
- United States v. Garcia, 521 F.3d 898 (8th Cir. 2008)

- United States v. Peroceski, 520 F.3d 886 (8th Cir. 2008)
- United States v. Rush, 551 F.3d 749 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- Moore v. Indehar, 514 F.3d 756 (8th Cir. 2008)
- St. Paul Fire & Marine Insurance Co. v. Compaq Computer Corp., 539 F.3d 809 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Rush, 551 F.3d 749 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Moore v. Indehar, 514 F.3d 756 (8th Cir. 2008)
- St. Paul Fire & Marine Insurance Co. v. Compaq Computer Corp., 539 F.3d 809 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Rush, 551 F.3d 749 (8th Cir. 2008)

Judge Joan N. Ericksen

Civil Cases Appealed

- Abbots v. Campbell, 551 F.3d 802 (8th Cir. 2008)

- Alpine Glass, Inc. v. Allstate Insurance Co., 531 F.3d 685 (8th Cir. 2008)
- Border State Bank, N.A. v. AgCountry Farm Credit Services, 535 F.3d 779 (8th Cir. 2008)
- Day v. Department of Veterans Affairs, 272 F. App'x 531 (8th Cir. 2008)
- Mickelson v. Holinka, 276 F. App'x 527 (8th Cir. 2008)
- Montes v. Greater Twin Cities Youth Symphonies, 540 F.3d 852 (8th Cir. 2008)
- O'Grady v. Johnson, 282 F. App'x 496 (8th Cir. 2008)
- O'Grady v. Marathon County Child Support Agency, 282 F. App'x 496 (8th Cir. 2008)
- Ohio Savings Bank v. Progressive Casualty Insurance Co., 521 F.3d 960 (8th Cir. 2008)
- Pratt v. Corrections Corp. of America, 267 F. App'x 482 (8th Cir. 2008)
- Real Estate Equity Strategies, L.L.C., v. Internal Revenue Service, 540 F.3d 860 (8th Cir. 2008)
- Schaaf v. Residential Funding Corp., 517 F.3d 544 (8th Cir. 2008)
- Stepnes v. Tennessen, 267 F. App'x 481 (8th Cir. 2008)
- Straights & Gays for Equality v. Osseo Area School District No. 279, 540 F.3d 911 (8th Cir. 2008)
- Wakkinen v. Unum Life Insurance Co. of America, 531 F.3d 575 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Greenlaw, 538 F.3d 830 (8th Cir. 2008)
- United States v. Phythian, 529 F.3d 807 (8th Cir. 2008)
- United States v. Roberson, 517 F.3d 990 (8th Cir. 2008)

Habeas Cases Appealed

- Codina v. Chertoff, 283 F. App'x 432 (8th Cir. 2008)
- United States v. Barr, 273 F. App'x. 571 (8th Cir. 2008)

Other Cases Appealed

- N/A

Civil Cases Reversed

- N/A

Criminal Cases Reversed

- United States v. Roberson, 517 F.3d 990 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- United States v. Roberson, 517 F.3d 990 (8th Cir. 2008)

Reversals for De Novo Review of Law

- N/A

Reversals for Clear Error and Other Grounds

- N/A

Judge Donovan W. Frank

Civil Cases Appealed

- Firepond Liquidating Trust v. Vigilant Insurance Co., 288 F. App'x 306 (8th Cir. 2008)
- Snaza v. City of Saint Paul, 548 F.3d 1178 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Jeanetta, 533 F.3d 651 (8th Cir. 2008)
- United States v. Jones, 535 F.3d 886 (8th Cir. 2008)
- United States v. Lovas, 267 F. App'x 493, 2008 WL 516461 (8th Cir. 2008)
- United States v. Perez, 526 F.3d 1135 (8th Cir. 2008)
- United States v. Taylor, 519 F.3d 832 (8th Cir. 2008)
- United States v. Washington, 515 F.3d 861 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Reversals

- N/A

Judge Richard H. Kyle

Civil Cases Appealed

- Anderson v. Target Corp., 268 F. App'x 487 (8th Cir. 2008)
- Aten v. Scottsdale Insurance Co., 511 F.3d 818 (8th Cir. 2008)
- Bores v. Domino's Pizza, L.L.C., 530 F.3d 671 (8th Cir. 2008)
- Hastings v. Wilson, 516 F.3d 1055 (8th Cir. 2008)
- Johnson v. Florell, 292 F. App'x 523 (8th Cir. 2008)
- Jones v. Minnesota Department of Corrections, 512 F.3d 478 (8th Cir. 2008)
- Lundeen v. Canadian Pacific Railway Co., 532 F.3d 682 (8th Cir. 2008)
- M.M. v. Special School District No. 1, 512 F.3d 455 (8th Cir. 2008)
- Milliman v. Lindemoen, 270 F. App'x 466 (8th Cir. 2008)
- Morgenstern v. Morrison, 293 F. App'x 433 (8th Cir. 2008)
- Nicolaison v. Brown, 266 F. App'x 502 (8th Cir. 2008)
- Skare v. Extendicare Health Services, Inc., 515 F.3d 836 (8th Cir. 2008)
- Stan Koch & Sons Trucking, Inc. v. Great West Casualty Co., 517 F.3d 1032 (8th Cir. 2008)
- Steward v. Royal Bank of Canada, 295 F. App'x 863 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Albin, 297 F. App'x 551 (8th Cir. 2008)
- United States v. Fuentes Torres, 529 F.3d 825 (8th Cir. 2008)
- United States v. Garth, 540 F.3d 766 (8th Cir. 2008)
- United States v. Ironi, 525 F.3d 683 (8th Cir. 2008)
- United States v. Perry, 548 F.3d 688 (8th Cir. 2008)
- United States v. Richardson, 537 F.3d 951 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- De La Garza v. Fabian, 285 F. App'x 306 (8th Cir. 2008) (interlocutory appeal)
- Velde v. Kirsch, 543 F.3d 469 (8th Cir. 2008) (bankruptcy review)
- Velde v. Reihnardt, 294 F. App'x 242 (8th Cir. 2008) (bankruptcy appeal)

Civil Cases Reversed

- Aten v. Scottsdale Insurance Co., 511 F.3d 818 (8th Cir. 2008)
- Bores v. Domino's Pizza, L.L.C., 530 F.3d 671 (8th Cir. 2008)
- M.M. v. Special School District No. 1, 512 F.3d 455 (8th Cir. 2008)

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Aten v. Scottsdale Insurance Co., 511 F.3d 818 (8th Cir. 2008)
- Bores v. Domino's Pizza, L.L.C., 530 F.3d 671 (8th Cir. 2008)
- M.M. v. Special School District No. 1, 512 F.3d 455 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

Judge Paul A. Magnuson

Civil Cases Appealed

- 3M Co. v. Amtex Security, Inc., 542 F.3d 1193 (8th Cir. 2008)
- Bulboltz v. Residential Advantages, Inc., 523 F.3d 864 (8th Cir. 2008)
- Elbert v. True Value Co., 550 F.3d 690 (8th Cir. 2008)
- *In re* Operation of the Missouri River System Litigation, 516 F.3d 688 (8th Cir. 2008)
- Kutten v. Bank of America, 530 F.3d 669 (8th Cir. 2008)
- Siepel v. Bank of America, 526 F.3d 1122 (8th Cir. 2008)
- Swift & Co. v. Elias Farms, Inc., 539 F.3d 849 (8th Cir. 2008)
- Tweeton v. Frandrup, 287 F. App'x 541 (8th Cir. 2008)

Criminal Cases Appealed

- Toua Hong Chang v. Minnesota, 521 F.3d 828 (8th Cir. 2008)
- United States v. Anderson, 533 F.3d 623 (8th Cir. 2008)
- United States v. Goldsmith, 275 F. App'x 566 (8th Cir. 2008)
- United States v. Kies, 274 F. App'x 500 (8th Cir. 2008)
- United States v. Krejce, 276 F. App'x 526 (8th Cir. 2008)
- United States v. McPike, 512 F.3d 1052 (8th Cir. 2008)
- United States v. Nguyen, 526 F.3d 1129 (8th Cir. 2008)
- United States v. Prellwitz, 313 F. App'x 916 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- Swift & Co. v. Elias Farms, Inc., 539 F.3d 849 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Prellwitz, 313 F. App'x 916 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- United States v. Prellwitz, 313 F. App'x 916 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- Swift & Co. v. Elias Farms, Inc., 539 F.3d 849 (8th Cir. 2008)

Judge Ann D. Montgomery

Civil Cases Appealed

- Anderson v. Farm Service Agency of the U.S.D.A., 534 F.3d 811 (8th Cir. 2008)
- Cohen v. Beachside Two-I Homeowners' Ass'n, 272 F. App'x 534 (8th Cir. 2008)
- Hart v. Aurora Loan Services, Inc., 285 F. App'x 313 (8th Cir. 2008)
- Little Gem Life Sciences, L.L.C. v. Orphan Medical, Inc., 537 F.3d 913 (8th Cir. 2008)
- Njaka v. Potter, 281 F. App'x 627 (8th Cir. 2008)
- Taxi Connection v. Dakota, Minnesota & Eastern Railroad Corp., 513 F.3d 823 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. James, 534 F.3d 868 (8th Cir. 2008)
- United States v. Mentzos, 268 F. App'x 491 (8th Cir. 2008)
- United States v. Miller, 305 F. App'x 302 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Criminal Cases Reversed

- United States v. Miller, 305 F. App'x 302 (8th Cir. 2008)

Reversals for De Novo Review of Law

- United States v. Miller, 305 F. App'x 302 (8th Cir. 2008)

Judge James M. Rosenbaum

Civil Cases Appealed

- Cornelia I. Crowell GST Trust v. Possis Medical, Inc., 519 F.3d 778 (8th Cir. 2008)
- Entertainment Software Ass'n v. Swanson, 519 F.3d 768 (8th Cir. 2008) (enjoin state from enforcing statute)
- Merkl v. Pendleton, 298 F. App'x 534 (8th Cir. 2008)
- Milavetz, Gallop & Milavetz, P.A. v. United States, 541 F.3d 785 (8th Cir. 2008)
- Starandlund v. Hawley, 532 F.3d 741 (8th Cir. 2008)
- UnitedHealth Group Inc. v. Wilmington Trust Co., 548 F.3d 1124 (8th Cir. 2008)
- Wollenberg v. Potter, 269 F. App'x 612 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Arnold, 302 F. App'x. 496 (8th Cir. 2008)
- United States v. Bauer, 551 F.3d 786 (8th Cir. 2008)
- United States v. Betcher, 534 F.3d 820 (8th Cir. 2008)
- United States v. Crumley, 528 F.3d 1053 (8th Cir. 2008)
- United States v. Farish, 535 F.3d 815 (8th Cir. 2008)
- United States v. Guillen-Esquivel, 534 F.3d 817 (8th Cir. 2008)
- United States v. Guzman-Tlaseca, 546 F.3d 571 (8th Cir. 2008)
- United States v. Jorge-Salgado, 520 F.3d 840 (8th Cir. 2008)
- United States v. Ostrander, 304 F. App'x. 466 (8th Cir. 2008)

- United States v. Stachowiak, 521 F.3d 852 (8th Cir. 2008)
- United States v. Thao, 281 F. App'x 635 (8th Cir. 2008)
- United States v. Williams, 534 F.3d 980 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Mohamed v. Melville, 274 F. App'x 495 (8th Cir. 2008) (immigration case)

Civil Cases Reversed

- Milavetz, Gallop & Milavetz, P.A. v. United States, 541 F.3d 785 (8th Cir. 2008)
- Starandlund v. Hawley, 532 F.3d 741 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Farish, 535 F.3d 815 (8th Cir. 2008)
- United States v. Guillen-Esquivel, 534 F.3d 817 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- Starandlund v. Hawley, 532 F.3d 741 (8th Cir. 2008)
- United States v. Farish, 535 F.3d 815 (8th Cir. 2008)
- United States v. Guillen-Esquivel, 534 F.3d 817 (8th Cir. 2008)

Reversals for De Novo Review of Law

- Milavetz, Gallop & Milavetz, P.A. v. United States, 541 F.3d 785 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

Judge Patrick J. Schiltz

Civil Cases Appealed

- Alpine Glass, Inc. v. Illinois Farmers Insurance Co., 531 F.3d 679 (8th Cir. 2008)
- Bacon v. Hennepin County Medical Center, 550 F.3d 711 (8th Cir. 2008)
- Bah v. Cangemi, 548 F.3d 680 (8th Cir. 2008)
- Chicago Ave. Partners, Ltd. v. Broan-Nutone, L.L.C., 521 F.3d 921 (8th Cir. 2008)
- Doe v. Department of Veterans Affairs, 519 F.3d 456 (8th Cir. 2008)
- Evanston Insurance Co. v. Johns, 530 F.3d 710 (8th Cir. 2008)
- Gander Mountain Co. v. Cabela's, Inc., 540 F.3d 827 (8th Cir. 2008)
- Hervey v. County of Koochiching, 527 F.3d 711 (8th Cir. 2008)
- Hines v. Anderson, 547 F.3d 915 (8th Cir. 2008)
- Hinz v. Neuroscience, Inc., 538 F.3d 979 (8th Cir. 2008)
- *In re* Ceridian Corp. Securities Litigation, 542 F.3d 240 (8th Cir. 2008)
- *In re* Hutchinson Technology, Inc. Securities Litigation, 536 F.3d 952 (8th Cir. 2008)
- Integrity Floorcovering, Inc., v. Broan-Nutone, L.L.C., 521 F.3d 914 (8th Cir. 2008)
- Louden v. Unum Life Insurance Co. of America, 283 F. App'x 415 (8th Cir. 2008)
- Muccilli v. Bloomquist, 271 F. App'x 544 (8th Cir. 2008)
- Murray v. Greenwich Insurance Co., 533 F.3d 644 (8th Cir. 2008)
- Nord v. Kelly, 520 F.3d 848 (8th Cir. 2008)
- Parniani v. Cardinal Health, Inc, 305 F. App'x. 301 (8th Cir. 2008)
- Polski v. Quigley Corp., 538 F.3d 836 (8th Cir. 2008)
- Trustees of the Graphic Communications International Union v. Bjorkedal, 516 F.3d 719 (8th Cir. 2008)

Criminal Cases Appealed

- Larson v. United States, 305 F. App'x. 305 (8th Cir. 2008)
- United States v. Aleman, 548 F.3d 1158 (8th Cir. 2008)
- United States v. Hernandez, 518 F.3d 613 (8th Cir. 2008)
- United States v. James, 534 F.3d 868 (8th Cir. 2008)
- United States v. Mosby, 543 F.3d 438 (8th Cir. 2008)
- United States v. Paton, 535 F.3d 829 (8th Cir. 2008)

Habeas Cases Appealed

- White v. Dingle, 267 F. App'x 489 (8th Cir. 2008)

Other Cases Appealed

- N/A

Civil Cases Reversed

- Murray v. Greenwich Insurance Co., 533 F.3d 644 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Aleman, 548 F.3d 1158 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Murray v. Greenwich Insurance Co., 533 F.3d 644 (8th Cir. 2008)
- United States v. Aleman, 548 F.3d 1158 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

Judge John R. Tunheim

Civil Cases Appealed

- Anda v. Wickes Furniture Co., 517 F.3d 526 (8th Cir. 2008)
- Hylla v. Transportation Communications International Union, 536 F.3d 911 (8th Cir. 2008)
- *In re* St. Jude Medical, Inc., 522 F.3d 836 (8th Cir. 2008)
- *In re* SRC Holding Corp., 545 F.3d 661 (8th Cir. 2008)
- Macias Soto v. Core-Mark International, Inc., 521 F.3d 837 (8th Cir. 2008)
- Riehm v. Engelking, 538 F.3d 952 (8th Cir. 2008)
- Tonicstar Ltd. v. Lovegreen Turbine Services, 535 F.3d 790 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Abumayyaleh, 530 F.3d 641 (8th Cir. 2008)
- United States v. Aguilar, 512 F.3d 485 (8th Cir. 2008)
- United States v. Cleveland, 271 F. App'x 541 (8th Cir. 2008)
- United States v. Heppner, 519 F.3d 744 (8th Cir. 2008)
- United States v. Hott, 262 F. App'x 734 (8th Cir. 2008)
- United States v. Robinson, 536 F.3d 874 (8th Cir. 2008)
- United States v. Schwinn, 270 F. App'x 464 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- United States v. Ross, 297 F. App'x 573 (8th Cir. 2008)

Civil Cases Reversed

- *In re* St. Jude Medical, Inc., 522 F.3d 836 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Abumayyaleh, 530 F.3d 641 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- *In re* SRC Holding Corp., 545 F.3d 661 (8th Cir. 2008)

Reversals for Abuse of Discretion

- *In re* St. Jude Medical, Inc., 522 F.3d 836 (8th Cir. 2008)

Reversals for De Novo Review of Law

- *In re* SRC Holding Corp., 545 F.3d 661 (8th Cir. 2008)
- United States v. Abumayyaleh, 530 F.3d 641 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

EASTERN DISTRICT OF MISSOURI

Judge Henry E. Autrey

Civil Cases Appealed

- Box v. Dwyer, 273 F. App'x 583 (8th Cir. 2008)
- Carter v. Englehart, 287 F. App'x 542 (8th Cir. 2008)
- Henderson v. Renaissance Grand Hotel, 267 F. App'x 496 (8th Cir. 2008)
- Neighborhood Enterprises v. City of St. Louis, 540 F.3d 882 (8th Cir. 2008)
- Poehl v. Countrywide Home Loans, Inc., 528 F.3d 1093 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Black, 523 F.3d 892 (8th Cir. 2008)
- United States v. Ford, 261 F. App'x 919 (8th Cir. 2008)
- United States v. Guler, 295 F. App'x 861 (8th Cir. 2008)
- United States v. Hogans, 297 F. App'x 550 (8th Cir. 2008)
- United States v. Hyles, 521 F.3d 946 (8th Cir. 2008)
- United States v. Laney, 261 F. App'x 913 (8th Cir. 2008)
- United States v. Lee, 545 F.3d 678 (8th Cir. 2008)
- United States v. McGuire, 524 F.3d 891 (8th Cir. 2008)
- United States v. Patterson, 295 F. App'x 100 (8th Cir. 2008)
- United States v. Phelps, 536 F.3d 862 (8th Cir. 2008)
- United States v. Powell, 295 F. App'x 116 (8th Cir. 2008)
- United States v. Robinson, 516 F.3d 716 (8th Cir. 2008)
- United States v. Russell, 285 F. App'x 311 (8th Cir. 2008)

Habeas Cases Appealed

- United States v. Thompson, 297 F. App'x 561 (8th Cir. 2008)

Other Cases Appealed

- N/A

Civil Cases Reversed

- Neighborhood Enterprises v. City of St. Louis, 540 F.3d 882 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Laney, 261 F. App'x 913 (8th Cir. 2008)

Habeas Cases Reversed

- United States v. Thompson, 297 F. App'x 561 (8th Cir. 2008)

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Neighborhood Enterprises v. City of St. Louis, 540 F.3d 882 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Laney, 261 F. App'x 913 (8th Cir. 2008)
- United States v. Thompson, 297 F. App'x 561 (8th Cir. 2008)

Judge Jean C. Hamilton

Civil Cases Appealed

- Barker v. Missouri Department of Corrections, 513 F.3d 831 (8th Cir. 2008)
- Bell v. Curtis, 263 F. App'x 543 (8th Cir. 2008)
- Culton v. Missouri Department of Corrections, 515 F.3d 828 (8th Cir. 2008)
- Lash v. Hollis, 525 F.3d 636 (8th Cir. 2008)

- Smith v. Wagner, 264 F. App'x 541 (8th Cir. 2008)
- White v. Missouri, 297 F. App'x 552 (8th Cir. 2008)

Criminal Cases Appealed

- Cole v. United States, 283 F. App'x 432 (8th Cir. 2008)
- United States v. Bridges, 270 F. App'x 464 (8th Cir. 2008)
- United States v. Cole, 277 F. App'x 641 (8th Cir. 2008)
- United States v. Gray, 528 F.3d 1099 (8th Cir. 2008)
- United States v. Kent, 531 F.3d 642 (8th Cir. 2008)
- United States v. Miller, 279 F. App'x 418 (8th Cir. 2008)
- United States v. Miner, 272 F. App'x 530 (8th Cir. 2008)
- United States v. Robinson, 277 F. App'x 640 (8th Cir. 2008)

Habeas Cases Appealed

- Armstrong v. Kemna, 534 F.3d 857 (8th Cir. 2008)

Other Cases Appealed

- N/A

Civil Cases Reversed

- Bell v. Curtis, 263 F. App'x 543 (8th Cir. 2008)
- Lash v. Hollis, 525 F.3d 636 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Cole, 277 F. App'x 641 (8th Cir. 2008)
- United States v. Miller, 279 F. App'x 418 (8th Cir. 2008)
- United States v. Robinson, 277 F. App'x 640 (8th Cir. 2008)

Habeas Cases Reversed

- Armstrong v. Kemna, 534 F.3d 857 (8th Cir. 2008)

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- Lash v. Hollis, 525 F.3d 636 (8th Cir. 2008)
- United States v. Miller, 279 F. App'x. 418 (8th Cir. 2008)

Reversals for De Novo Review of Law

- Armstrong v. Kemna, 534 F.3d 857 (8th Cir. 2008)

- Bell v. Curtis, 263 F. App'x 543 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Cole, 277 F. App'x 641 (8th Cir. 2008)
- United States v. Robinson, 277 F. App'x 640 (8th Cir. 2008)

Judge Carol E. Jackson

Civil Cases Appealed

- Knox v. Kempker, 297 F. App'x 573 (8th Cir. 2008)
- Pleasants v. American Express Co., 541 F.3d 853 (8th Cir. 2008)
- Royal Indemnity Co. v. Apex Oil Co., 511 F.3d 788 (8th Cir. 2008)
- Stodghill v. Wellston School District, 512 F.3d 472 (8th Cir. 2008)
- Structural Polymer Group, Ltd. v. Zoltek Corp., 543 F.3d 987 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Bolden, 545 F.3d 609 (8th Cir. 2008)
- United States v. Braggs, 511 F.3d 808 (8th Cir. 2008)
- United States v. Hayes, 535 F.3d 907 (8th Cir. 2008)
- United States v. Hill, 513 F.3d 894 (8th Cir. 2008)
- United States v. Howard, 540 F.3d 905 (8th Cir. 2008)
- United States v. Masten, 281 F. App'x 640 (8th Cir. 2008)
- United States v. Maxie, 294 F. App'x 247 (8th Cir. 2008)
- United States v. Shy, 538 F.3d 933 (8th Cir. 2008)
- United States v. Taylor, 299 F. App'x 614 (8th Cir. 2008)
- United States v. Thompson, 533 F.3d 964 (8th Cir. 2008)

Habeas Cases Appealed

- Pierson v. Dormire, 276 F. App'x 541 (8th Cir. 2008)

Other Cases Appealed

- N/A

Civil Cases Reversed

- Royal Indemnity Co. v. Apex Oil Co., 511 F.3d 788 (8th Cir. 2008)
- Stodghill v. Wellston School District, 512 F.3d 472 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Shy, 538 F.3d 933 (8th Cir. 2008)
- United States v. Taylor, 299 F. App'x 614 (8th Cir. 2008)

Habeas Cases Reversed

- Pierson v. Dormire, 276 F. App'x 541 (8th Cir. 2008)

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- United States v. Shy, 538 F.3d 933 (8th Cir. 2008)

Reversals for De Novo Review of Law

- Pierson v. Dormire, 276 F. App'x 541 (8th Cir. 2008)
- Stodghill v. Wellston School District, 512 F.3d 472 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- Royal Indemnity Co. v. Apex Oil Co., 511 F.3d 788 (8th Cir. 2008)
- United States v. Taylor, 299 F. App'x 614 (8th Cir. 2008)

Judge Stephen N. Limbaugh, Sr.

Civil Cases Appealed

- Carlisle v. Missouri Department of Mental Health, 270 F. App'x 466 (8th Cir. 2008)
- Carney v. Hess, 271 F. App'x 543 (8th Cir. 2008)
- Lyons v. Potter, 521 F.3d 981 (8th Cir. 2008)
- Jessie v. Potter, 516 F.3d 709 (8th Cir. 2008)
- Rosenberg v. Missouri Department of Corrections, 261 F. App'x 932 (8th Cir. 2008)

- Townes v. Barnes-Jewish Hospital, 270 F. App'x 470 (8th Cir. 2008)
- White v. Boydston, 270 F. App'x 456 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Benitez, 531 F.3d 711 (8th Cir. 2008)
- United States v. Bloate, 534 F.3d 893 (8th Cir. 2008)
- United States v. Miller, 511 F.3d 821 (8th Cir. 2008)
- United States v. Moore, 299 F. App'x 615 (8th Cir. 2008)
- United States v. Turner, 281 F. App'x 643 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Chambers v. Pennycook, 297 F. App'x 562 (8th Cir. 2008)

Civil Cases Reversed

- N/A

Criminal Cases Reversed

- United States v. Moore, 299 F. App'x 615 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- N/A

Reversals for Clear Error and Other Grounds

- United States v. Moore, 299 F. App'x 615 (8th Cir. 2008)

Judge Stephen N. Limbaugh, Jr.

Civil Cases Appealed

- N/A

Criminal Cases Appealed

- United States v. Hayes, 518 F.3d 989 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Cross v. Mokwa, 547 F.3d 890 (8th Cir. 2008) (interlocutory appeal)

Civil Cases Reversed

- N/A

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- N/A

Other Cases Reversed

- Cross v. Mokwa, 547 F.3d 890 (8th Cir. 2008) (interlocutory appeal)

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Cross v. Mokwa, 547 F.3d 890 (8th Cir. 2008) (interlocutory appeal)

Reversals for Clear Error and Other Grounds

- N/A

Judge John F. Nangle

Civil Cases Appealed

- Martinez v. City of St. Louis, 539 F.3d 857 (8th Cir. 2008)

Criminal Cases Appealed

- N/A

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- Martinez v. City of St. Louis, 539 F.3d 857 (8th Cir. 2008)

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- N/A

Reversals for Clear Error and Other Grounds

- Martinez v. City of St. Louis, 539 F.3d 857 (8th Cir. 2008)

Judge Catherine D. Perry

Civil Cases Appealed

- Acevedo v. City of O'Fallon, 266 F. App'x 504 (8th Cir. 2008)
- Dunn v. Astaris, L.L.C., 292 F. App'x 525 (8th Cir. 2008)
- Elam v. Neidorff, 544 F.3d 921 (8th Cir. 2008)
- Poehl v. Countrywide Home Loans, Inc., 528 F.3d 1093 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Dorsey, 523 F.3d 878 (8th Cir. 2008)
- United States v. Henderson, 301 F. App'x 574 (8th Cir. 2008)
- United States v. Ray, 530 F.3d 666 (8th Cir. 2008)
- United States v. Silvaletti, 267 F. App'x 475 (8th Cir. 2008)
- United States v. Smith, 294 F. App'x 240 (8th Cir. 2008)
- United States v. Weissinger, 262 F. App'x 727 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- Dunn v. Astaris, L.L.C., 292 F. App'x 525 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Henderson, 301 F. App'x 574 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Dunn v. Astaris, L.L.C., 292 F. App'x 525 (8th Cir. 2008)
- United States v. Henderson, 301 F. App'x 574 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

Judge Charles A. Shaw

Civil Cases Appealed

- Crawford Group, Inc. v. Holekamp, 543 F.3d 971 (8th Cir. 2008)
- Express Scripts, Inc. v. Aegon Direct Marketing Services, Inc., 516 F.3d 695 (8th Cir. 20008)
- Frentzel v. Boyer, 297 F. App'x 576 (8th Cir. 2008)
- *In re* Charter Communications, Inc., Securities Litigation, 519 F.3d 730 (8th Cir. 2008)
- Level 3 Communications, L.L.C., v. City of St. Louis, Missouri, 540 F.3d 794 (8th Cir. 2008)
- Southwestern Bell Telephone v. Missouri Public Service Commission, 530 F.3d 676 (8th Cir. 2008)
- Williams v. Kempker, 259 F. App'x 896 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Desantiago-Esquivel, 526 F.3d 398 (8th Cir. 2008)
- United States v. Feemster, 531 F.3d 615 (8th Cir. 2008)
- United States v. Foster, 514 F.3d 821 (8th Cir. 2008)
- United States v. Green, 261 F. App'x 922 (8th Cir. 2008)
- United States v. Hayes, 266 F. App'x 502 (8th Cir. 2008)
- United States v. Mendoza, 282 F. App'x 487 (8th Cir. 2008)
- United States v. Mooney, 534 F.3d 944 (8th Cir. 2008)
- United States v. Otey, 259 F. App'x 901 (8th Cir. 2008)
- United States v. Santoyo-Torres, 518 F.3d 620 (8th Cir. 2008)
- United States v. Wysong, 516 F.3d 666 (8th Cir. 2008)

Habeas Cases Appealed

- Baranski v. United States, 515 F.3d 857 (8th Cir. 2008)

Other Cases Appealed

- N/A

Civil Cases Reversed

- N/A

Criminal Cases Reversed

- United States v. Desantiago-Esquivel, 526 F.3d 398 (8th Cir. 2008)
- United States v. Feemster, 531 F.3d 615 (8th Cir. 2008)
- United States v. Foster, 514 F.3d 821 (8th Cir. 2008)
- United States v. Otey, 259 F. App'x 901 (8th Cir. 2008)
- United States v. Wysong, 516 F.3d 666 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- United States v. Feemster, 531 F.3d 615 (8th Cir. 2008)

Reversals for De Novo Review of Law

- United States v. Foster, 514 F.3d 821 (8th Cir. 2008)
- United States v. Wysong, 516 F.3d 666 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Desantiago-Esquivel, 526 F.3d 398 (8th Cir. 2008)
- United States v. Otey, 259 F. App'x 901 (8th Cir. 2008)

Judge Rodney W. Sippel

Civil Cases Appealed

- Acevedo v. City of Bridgeton, 283 F. App'x 420 (8th Cir. 2008)
- Carlisle v. St. Charles County, HR Department, 301 F. App'x 571 (8th Cir. 2008)

- Carter v. Schafer, 273 F. App'x 581 (8th Cir. 2008)
- Ebner-Cupples v. Potter, 285 F. App'x 307 (8th Cir. 2008)
- JCB, Inc. v. Union Planters Bank, N.A., 539 F.3d 862 (8th Cir. 2008)
- McQueen v. Wickliff, 268 F. App'x 494 (8th Cir. 2008)
- Stewart v. City of St. Louis, 532 F.3d 939 (8th Cir. 2008)
- United States v. 8,800 Pounds, More or Less, of Powdered Egg White Product, 551 F.3d 759 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Blagg, 297 F. App'x 558 (8th Cir. 2008)
- United States v. Fields, 512 F.3d 1009 (8th Cir. 2008)
- United States v. Hines, 541 F.3d 833 (8th Cir. 2008)
- United States v. Jones, 301 F. App'x 572 (8th Cir. 2008)
- United States v. Vaughn, 519 F.3d 802 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Fresenius Medical Care v. United States, 526 F.3d 372 (8th Cir. 2008)

Civil Cases Reversed

- Carter v. Schafer, 273 F. App'x 581 (8th Cir. 2008)
- JCB, Inc. v. Union Planters Bank, N.A., 539 F.3d 862 (8th Cir. 2008)
- McQueen v. Wickliff, 268 F. App'x 494 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Jones, 301 F. App'x 572 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- McQueen v. Wickliff, 268 F. App'x 494 (8th Cir. 2008)

Reversals for Abuse of Discretion

- JCB, Inc. v. Union Planters Bank, N.A., 539 F.3d 862 (8th Cir. 2008)

Reversals for De Novo Review of Law

- Carter v. Schafer, 273 F. App'x 581 (8th Cir. 2008)
- JCB, Inc. v. Union Planters Bank, N.A., 539 F.3d 862 (8th Cir. 2008)
- United States v. Jones, 301 F. App'x 572 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- McQueen v. Wickliff, 268 F. App'x 494 (8th Cir. 2008)

Judge Donald J. Stohr

Civil Cases Appealed

- Boesing v. Spiess, 540 F.3d 886 (8th Cir. 2008)
- Carlisle v. Missouri Department of Economic Development, 267 F. App'x 483 (8th Cir. 2008)
- Forest v. Barnes-Jewish Hospital, 285 F. App'x 308 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Haley, 284 F. App'x 372 (8th Cir. 2008)
- United States v. Love, 516 F.3d 683 (8th Cir. 2008)
- United States v. Jefferson, 267 F. App'x 483 (8th Cir. 2008)
- United States v. Spudich, 510 F.3d 834 (8th Cir. 2008)
- United States v. Thebeau, 277 F. App'x 662 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Reversals

- N/A

Judge E. Richard Webber

Civil Cases Appealed

- Barzilay v. Barzilay, 536 F.3d 844 (8th Cir. 2008)
- Brannon v. Luco Mop Co., 521 F.3d 843 (8th Cir. 2008)
- Brannum v. Missouri Department of Corrections, 518 F.3d 542 (8th Cir. 2008)
- Cole v. International Union, United Automobile, Aerospace & Agriculture Implement Workers of America, 533 F.3d 932 (8th Cir. 2008)
- Collins v. Missouri Electric Cooperatives Employees Credit Union, 313 F. App'x 911 (8th Cir. 2008)
- Croft v. Hampton, 286 F. App'x 955 (8th Cir. 2008)
- Hodak v. City of St. Peters, 535 F.3d 899 (8th Cir. 2008)
- Jackson v. Fick, 300 F. App'x 443 (8th Cir. 2008)
- Poehl v. Randolph, 276 F. App'x 540 (8th Cir. 2008)

Criminal Cases Appealed

- Jackson v. United States, 526 F.3d 394 (8th Cir. 2008)
- United States v. Brown, 276 F. App'x 543 (8th Cir. 2008)
- United States v. Canania, 532 F.3d 764 (8th Cir. 2008)
- United States v. Carmel, 277 F. App'x 659 (8th Cir. 2008)
- United States v. Gladney, 525 F.3d 681 (8th Cir. 2008)
- United States v. Hart, 544 F.3d 911 (8th Cir. 2008)
- United States v. Jones, 512 F.3d 1007 (8th Cir. 2008)
- United States v. Walker, 276 F. App'x 538 (8th Cir. 2008)

Habeas Cases Appealed

- Barnett v. Roper, 541 F.3d 804 (8th Cir. 2008)
- Smulls v. Roper, 535 F.3d 853 (8th Cir. 2008)

Other Cases Appealed

- Equal Employment Opportunity Commission v. Allstate Insurance Co., 528 F.3d 1042 (8th Cir. 2008)

Civil Cases Reversed

- Barzilay v. Barzilay, 536 F.3d 844 (8th Cir. 2008)
- Collins v. Missouri Electric Cooperatives Employees Credit Union, 313 F. App'x 911 (8th Cir. 2008)

- Croft v. Hampton, 286 F. App'x 955 (8th Cir. 2008)
- Hodak v. City of St. Peters, 535 F.3d 899 (8th Cir. 2008)

Criminal Cases Reversed

- Jackson v. United States, 526 F.3d 394 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- Barzilay v. Barzilay, 536 F.3d 844 (8th Cir. 2008)

Reversals for De Novo Review of Law

- Croft v. Hampton, 286 F. App'x 955 (8th Cir. 2008)
- Hodak v. City of St. Peters, 535 F.3d 899 (8th Cir. 2008)
- Jackson v. United States, 526 F.3d 394 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- Collins v. Missouri Electric Cooperatives Employees Credit Union, 313 F. App'x 911 (8th Cir. 2008)

WESTERN DISTRICT OF MISSOURI

Judge Richard E. Dorr

Civil Cases Appealed

- Bath Junkie Branson, L.L.C. v. Bath Junkie, Inc., 528 F.3d 556 (8th Cir. 2008)
- United States v. O'Neal, 276 F. App'x 544 (8th Cir. 2008)
- Walker v. Bowersox, 526 F.3d 1186 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Allen, 272 F. App'x 538 (8th Cir. 2008)
- United States v. Alsup, 273 F. App'x 583 (8th Cir. 2008)
- United States v. Blevins, 542 F.3d 1200 (8th Cir. 2008)
- United States v. Cantrell, 530 F.3d 684 (8th Cir. 2008)

- United States v. Cavins, 543 F.3d 456 (8th Cir. 2008)
- United States v. Dabney, 300 F. App'x 432 (8th Cir. 2008)
- Unites States v. Foxx, 544 F.3d 943 (8th Cir. 2008)
- United States v. Hamilton, 262 F. App'x 928 (8th Cir. 2008)
- United States v. Hugh, 533 F.3d 910 (8th Cir. 2008)
- United States v. Irish, 285 F. App'x 326 (8th Cir. 2008)
- United States v. Lehmann, 513 F.3d 805 (8th Cir. 2008)
- United States v. Medina-Valencia, 538 F.3d 831 (8th Cir. 2008)
- United States v. Montgomery, 527 F.3d 682 (8th Cir. 2008)
- United States v. Romero, 283 F. App'x 415 (8th Cir. 2008)
- United States v. Smith, 535 F.3d 883 (8th Cir. 2008)
- United States v. Taylor, 515 F.3d 845 (8th Cir. 2008)

Habeas Cases Appealed

- United States v. Irish, 285 F. App'x 326 (8th Cir. 2008)

Other Cases Appealed

- Hubbard v. United States, 258 F. App'x 922 (8th Cir. 2008)
- United States v. Nassar, 546 F.3d 569 (8th Cir. 2008)
- United States v. Parham, 271 F. App'x 552 (8th Cir. 2008)

Civil Cases Reversed

- Walker v. Bowersox, 526 F.3d 1186 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Dabney, 300 F. App'x 432 (8th Cir. 2008)
- United States v. Smith, 535 F.3d 883 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- United States v. Dabney, No. 06-2347, 2008 WL 5048439 (8th Cir. 2008)
- Walker v. Bowersox, 526 F.3d 1186 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Smith, 535 F.3d 883 (8th Cir. 2008)

Judge Gary A. Fenner

Civil Cases Appealed

- Adams v. O'Reilly Automobile, Inc., 538 F.3d 926 (8th Cir. 2008)
- Bower v. Springfield R-12 School District, 263 F. App'x 542 (8th Cir. 2008)
- City of Kansas City v. Housing & Economic Development Financial Corp., 304 F. App'x 470 (8th Cir. 2008)
- City of Kansas City v. Housing & Economic Development Financial Corp., 280 F. App'x 561 (8th Cir. 2008)
- Coop v. Department of Natural Resources, 284 F. App'x 376 (8th Cir. 2008)
- Holway v. Negro Leagues Baseball Museum, 263 F. App'x 538 (8th Cir. 2008)
- Morris v. City of Chillicothe, 512 F.3d 1013 (8th Cir. 2008)
- Murphy v. Kemna, 261 F. App'x 925 (8th Cir. 2008)
- Pritchett v. Cottrell, Inc., 512 F.3d 1057 (8th Cir. 2008)
- Urban Hotel Development Co. v. President Development Group, L.C., 535 F.3d 874 (8th Cir. 2008)
- Williams v. City of Carl Junction, 523 F.3d 841 (8th Cir. 2008)
- Wolfley v. Solectron U.S.A., Inc., 541 F.3d 819 (8th Cir. 2008)

Criminal Cases Appealed

- Blade v. United States, 266 F. App'x 499 (8th Cir. 2008)
- United States v. Abdullahi, 520 F.3d 890 (8th Cir. 2008)
- United States v. Bryan, 270 F. App'x 468 (8th Cir. 2008)
- United States v. Cardenas-Celestino, 510 F.3d 830 (8th Cir. 2008)

- United States v. Davidson, 551 F.3d 807 (8th Cir. 2008)
- United States v. Davidson, 527 F.3d 703 (8th Cir. 2008)
- United States v. Dehgani, 550 F.3d 716 (8th Cir. 2008)
- United States v. Donnell, 297 F. App'x 578 (8th Cir. 2008)
- United States v. Gannon, 531 F.3d 657 (8th Cir. 2008)
- United States v. Hogan, 539 F.3d 916 (8th Cir. 2008)
- United States v. Igbokwe, 518 F.3d 550 (8th Cir. 2008)
- United States v. Johnson, 263 F. App'x 544 (8th Cir. 2008)
- United States v. Lozano, 267 F. App'x 474 (8th Cir. 2008)
- United States v. Miller, 259 F. App'x 910 (8th Cir. 2008)
- United States v. Rogers, 543 F.3d 467 (8th Cir. 2008)
- United States v. Street, 548 F.3d 618 (8th Cir. 2008)
- United States v. Verner, 300 F. App'x 435 (8th Cir. 2008)
- United States v. Wessels, 539 F.3d 913 (8th Cir. 2008)

Habeas Cases Appealed

- Stewart v. Roper, 280 F. App'x 570 (8th Cir. 2008)

Other Cases Appealed

- Juszczyk v. Astrue, 542 F.3d 626 (8th Cir. 2008)
- McLean v. Gordon, 548 F.3d 613 (8th Cir. 2008)
- United States v. Gilliam, 520 F.3d 844 (8th Cir. 2008) (motion to suppress)
- United States v. Hughes, 517 F.3d 1013 (8th Cir. 2008) (motion to suppress)

Civil Cases Reversed

- Pritchett v. Cottrell, Inc., 512 F.3d 1057 (8th Cir. 2008)
- Williams v. City of Carl Junction, 523 F.3d 841 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Davidson, 551 F.3d 807 (8th Cir. 2008)
- United States v. Street, 548 F.3d 618 (8th Cir. 2008)
- United States v. Verner, 300 F. App'x 435 (8th Cir. 2008)

Habeas Cases Reversed

- Stewart v. Roper, 280 F. App'x 570 (8th Cir. 2008)

Other Cases Reversed

- McLean v. Gordon, 548 F.3d 613 (8th Cir. 2008)
- United States v. Hughes, 517 F.3d 1013 (8th Cir. 2008) (motion to suppress)

Reversals for Abuse of Discretion

- United States v. Street, 548 F.3d 618 (8th Cir. 2008)
- Williams v. City of Carl Junction, 523 F.3d 841 (8th Cir. 2008)

Reversals for De Novo Review of Law

- McLean v. Gordon, 548 F.3d 613 (8th Cir. 2008)
- Pritchett v. Cottrell, Inc., 512 F.3d 1057 (8th Cir. 2008)
- Stewart v. Roper, 280 F. App'x 570 (8th Cir. 2008)
- United States v. Hughes, 517 F.3d 1013 (8th Cir. 2008) (motion to suppress)
- United States v. Verner, 300 F. App'x 435 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Davidson, 551 F.3d 807 (8th Cir. 2008)

Judge Fernando J. Gaitan, Jr.

Civil Cases Appealed

- Black v. Sam's Club, 267 F. App'x 495 (8th Cir. 2008)
- Butler Manufacturing Co. v. Blue Cross Blue Shield of Texas, 282 F. App'x 486 (8th Cir. 2008)
- Jenkins v. Winter, 540 F.3d 742 (8th Cir. 2008) (both de novo and abuse of discretion)
- Lundy v. Hilder, 289 F. App'x 135 (8th Cir. 2008)
- Phelps-Roper v. Nixon, 545 F.3d 685 (8th Cir. 2008)
- Phox v. Lee's Summit School District, 278 F. App'x 707 (8th Cir. 2008)
- Prosser v. Bruhn, 262 F. App'x 724 (8th Cir. 2008)
- Sappington v. Skyjack, Inc., 512 F.3d 440 (8th Cir. 2008)
- Saunders v. Farmers Insurance Exchange, 537 F.3d 961 (8th Cir. 2008)
- Witham v. Christian County, Missouri, 286 F. App'x 960 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Aguilera, 523 F.3d 876 (8th Cir. 2008)
- United States v. Agwu, 271 F. App'x 546 (8th Cir. 2008)
- United States v. Blaylock, 535 F.3d 922 (8th Cir. 2008)
- United States v. Cazares-Saenz, 282 F. App'x 492 (8th Cir. 2008)
- United States v. Gaucin, 270 F. App'x 451 (8th Cir. 2008)
- United States v. Henson, 550 F.3d 739 (8th Cir. 2008)
- United States v. Hullette, 525 F.3d 610 (8th Cir. 2008)
- United States v. Jones, 275 F. App'x 561 (8th Cir. 2008)
- United States v. Manning, 285 F. App'x 316 (8th Cir. 2008)
- United States v. Primers, 277 F. App'x 639 (8th Cir. 2008)
- United States v. Smith, 289 F. App'x 143 (8th Cir. 2008)
- United States v. Stanley, 270 F. App'x 454 (8th Cir. 2008)
- United States v. Tello-Martinez, 280 F. App'x 560 (8th Cir. 2008)
- United States v. Wright, 536 F.3d 819 (8th Cir. 2008)

Habeas Cases Appealed

- Nelson v. United States, 297 F. App'x 563 (8th Cir. 2008)

Other Cases Appealed

- N/A

Civil Cases Reversed

- Jenkins v. Winter, 540 F.3d 742 (8th Cir. 2008) (both de novo and abuse of discretion)
- Phelps-Roper v. Nixon, 545 F.3d 685 (8th Cir. 2008)
- Sappington v. Skyjack, Inc., 512 F.3d 440 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Aguilera, 523 F.3d 876 (8th Cir. 2008)
- United States v. Stanley, 270 F. App'x 454 (8th Cir. 2008)

Habeas Cases Reversed

- Nelson v. United States, 297 F. App'x 563 (8th Cir. 2008)

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- Jenkins v. Winter, 540 F.3d 742 (8th Cir. 2008) (both de novo and abuse of discretion)
- Nelson v. United States 297 F. App'x 563 (8th Cir. 2008) (28 USCA § 2255 case)
- Phelps-Roper v. Nixon, 545 F.3d 685 (8th Cir. 2008)
- Sappington v. Skyjack, Inc., 512 F.3d 440 (8th Cir. 2008)
- United States v. Aguilera, 523 F.3d 876 (8th Cir. 2008)

Reversals for De Novo Review of Law

- Jenkins v. Winter, 540 F.3d 742 (8th Cir. 2008)
- Sappington v. Skyjack, Inc., 512 F.3d 440 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Stanley, 270 F. App'x 454 (8th Cir. 2008)

Judge Nanette K. Laughrey

Civil Cases Appealed

- Amrine v. Brooks, 522 F.3d 823 (8th Cir. 2008)
- Arzuman v. Department of Natural Resources, 272 F. App'x 537 (8th Cir. 2008)
- Cincinnati Indemnity Co. v. A&K Construction Co., 542 F.3d 623 (8th Cir. 2008)
- City of Lake Ozark, Missouri v. Singleton, 292 F. App'x 521 (8th Cir. 2008)
- Copeland v. ABB, Inc., 521 F.3d 1010 (8th Cir. 2008)
- Fowler v. Crawford, 534 F.3d 931 (8th Cir. 2008)
- King v. Hardesty, 517 F.3d 1049 (8th Cir. 2008)
- LeVine v. Roebuck, 550 F.3d 684 (8th Cir. 2008)
- Lyles v. Columbia Public School District, 305 F. App'x 307 (8th Cir. 2008)
- Owen v. General Motors Corp., 533 F.3d 913 (8th Cir. 2008)
- Popoalii v. Correctional Medical Services, 512 F.3d 488 (8th Cir. 2008)
- Risinger v. Astrue, 271 F. App'x 550 (8th Cir. 2008)
- St. Paul Fire & Marine Insurance Co. v. Building Construction Enterprises, 526 F.3d 1166 (8th Cir. 2008)

- Stewart v. Correctional Medical Services, 285 F. App'x 312 (8th Cir. 2008)
- United States v. Missouri, 535 F.3d 844 (8th Cir. 2008)

Criminal Cases Appealed

- Anjulo-Lopez v. United States, 541 F.3d 814 (8th Cir. 2008)
- United States v. Gill, 290 F. App'x 965 (8th Cir. 2008)
- United States v. Greene, 513 F.3d 904 (8th Cir. 2008)
- United States v. Griffith, 533 F.3d 979 (8th Cir. 2008)
- United States v. Harris, 271 F. App'x 540 (8th Cir. 2008)
- United States v. Huff, 514 F.3d 818 (8th Cir. 2008)
- United States v. Johnson, 278 F. App'x 701 (8th Cir. 2008)
- United States v. Long, 532 F.3d 791 (8th Cir. 2008)
- United States v. Montgomery, 532 F.3d 811 (8th Cir. 2008)
- United States v. Murray, 270 F. App'x 457 (8th Cir. 2008)
- United States v. Perkins, 526 F.3d 1107 (8th Cir. 2008)
- United States v. Pratt, 294 F. App'x 240 (8th Cir. 2008)
- United States v. Sewell, 513 F.3d 820 (8th Cir. 2008)
- United States v. Whitehill, 532 F.3d 746 (8th Cir. 2008)

Habeas Cases Appealed

- Clayton v. Roper, 515 F.3d 784 (8th Cir. 2008)
- Revels v. Sanders, 519 F.3d 734 (8th Cir. 2008)

Other Cases Appealed

- Bradley v. Astrue, 528 F.3d 1113 (8th Cir. 2008)
- City of Jefferson City v. Cingular Wireless L.L.C., 531 F.3d 595 (8th Cir. 2008)
- Passmore v. Astrue, 533 F.3d 658 (8th Cir. 2008)
- White v. McKinley, 519 F.3d 806 (8th Cir. 2008) (interlocutory appeal)

Civil Cases Reversed

- Cincinnati Indemnity Co. v. A&K Construction Co., 542 F.3d 623 (8th Cir. 2008)
- King v. Hardesty, 517 F.3d 1049 (8th Cir. 2008)
- United States v. Missouri, 535 F.3d 844 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Greene, 513 F.3d 904 (8th Cir. 2008)
- United States v. Huff, 514 F.3d 818 (8th Cir. 2008)

Habeas Cases Reversed

- Revels v. Sanders, 519 F.3d 734 (8th Cir. 2008)

Other Cases Reversed

- Passmore v. Astrue, 533 F.3d 658 (8th Cir. 2008)

Reversals for Abuse of Discretion

- Cincinnati Indemnity Co. v. A&K Construction Co., 542 F.3d 623 (8th Cir. 2008)
- United States v. Greene, 513 F.3d 904 (8th Cir. 2008)
- United States v. Huff, 514 F.3d 818 (8th Cir. 2008)

Reversals for De Novo Review of Law

- King v. Hardesty, 517 F.3d 1049 (8th Cir. 2008)
- Passmore v. Astrue, 533 F.3d 658 (8th Cir. 2008)
- Revels v. Sanders, 519 F.3d 734 (8th Cir. 2008)
- United States v. Missouri, 535 F.3d 844 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

Judge Howard F. Sachs

Civil Cases Appealed

- Bailey v. Potter, 280 F. App'x 553 (8th Cir. 2008)
- Richey v. City of Independence, 540 F.3d 779 (8th Cir. 2008)
- Romero v. Pinnacle Equities, L.L.C., 283 F. App'x 429 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Caldwell, 290 F. App'x 963 (8th Cir. 2008) (significant procedural error)
- United States v. Johnson, 535 F.3d 892 (8th Cir. 2008)
- United States v. Port, 532 F.3d 753 (8th Cir. 2008)
- United States v. West, 280 F. App'x 563 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- N/A

Criminal Cases Reversed

- United States v. Caldwell, 290 F. App'x 963 (8th Cir. 2008) (significant procedural error)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- N/A

Reversals for Clear Error and Other Grounds

- United States v. Caldwell, 290 F. App'x 963 (8th Cir. 2008) (significant procedural error)

Judge Ortrie D. Smith

Civil Cases Appealed

- Harper Enterprises, Inc. v. Aprilia World Service U.S.A., Inc., 270 F. App'x 458 (8th Cir. 2008)
- Park v. Columbia Credit Services, Inc., 304 F. App'x 467 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Almeida-Perez, 549 F.3d 1162 (8th Cir. 2008)
- United States v. Alvizo-Trujillo, 521 F.3d 1015 (8th Cir. 2008)
- United States v. Bieri, 301 F. App'x 575 (8th Cir. 2008)
- United States v. Billups, 261 F. App'x 914 (8th Cir. 2008)
- United States v. Brandon, 521 F.3d 1019 (8th Cir. 2008) (plain error)
- United States v. Charles, 531 F.3d 637 (8th Cir. 2008)
- United States v. Cuautle-Robles, 266 F. App'x 498 (8th Cir. 2008)
- United States v. Defoor, 535 F.3d 763 (8th Cir. 2008)
- United States v. Ellis, 285 F. App'x 313 (8th Cir. 2008)
- United States v. Fields, 295 F. App'x 864 (8th Cir. 2008)
- United States v. Lewis, 519 F.3d 822 (8th Cir. 2008)
- United States v. Otis, 273 F. App'x 572 (8th Cir. 2008)
- United States v. Pittock, 314 F. App'x 902 (8th Cir. 2008)
- United States v. Southern, 293 F. App'x 427 (8th Cir. 2008)
- United States v. Thomas, 300 F. App'x 447 (8th Cir. 2008)
- United States v. Toman, 259 F. App'x 903 (8th Cir. 2008)
- United States v. Weston, 267 F. App'x 476 (8th Cir. 2008)
- United States v. Williams, 266 F. App'x 501 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- N/A

Criminal Cases Reversed

- United States v. Almeida-Perez, 549 F.3d 1162 (8th Cir. 2008)
- United States v. Brandon, 521 F.3d 1019 (8th Cir. 2008)
- United States v. Thomas, 300 F. App'x 447 (8th Cir. 2008)
- United States v. Toman, 259 F. App'x 903 (8th Cir. 2008)

- United States v. Weston, 267 F. App'x 476 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- United States v. Almeida-Perez, 549 F.3d 1162 (8th Cir. 2008)

Reversals for De Novo Review of Law

- United States v. Brandon, 521 F.3d 1019 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Thomas, 300 F. App'x 447 (8th Cir. 2008)
- United States v. Toman, 259 F. App'x 903 (8th Cir. 2008)
- United States v. Weston, 267 F. App'x 476 (8th Cir. 2008)

Judge Dean Whipple

Civil Cases Appealed

- Craig Outdoor Advertising, Inc. v. Viacom Outdoor, Inc., 528 F.3d 1001 (8th Cir. 2008)
- Hamilton v. Standard Insurance Co., 516 F.3d 1069 (8th Cir. 2008)
- Jenkins v. Kansas City Missouri School District, 516 F.3d 1074 (8th Cir. 2008)
- McNary v. Schreiber Foods, Inc., 535 F.3d 765 (8th Cir. 2008)
- Midwestern Motor Coach Co. v. General Electric Co., 289 F. App'x 958 (8th Cir. 2008)
- P.A.C.E. v. Kansas City Missouri School District, 267 F. App'x 487 (8th Cir. 2008)
- Riley v. Lance, Inc., 518 F.3d 996 (8th Cir. 2008)
- Roe v. Crawford, 514 F.3d 789 (8th Cir. 2008)
- Willcockson v. Astrue, 540 F.3d 878 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Anthony, 537 F.3d 863 (8th Cir. 2008)
- United States v. Blair, 530 F.3d 655 (8th Cir. 2008)
- United States v. Brooks, 290 F. App'x 955 (8th Cir. 2008)
- United States v. Counts, 305 F. App'x. 304 (8th Cir. 2008)
- United States v. Davis, 276 F. App'x 527 (8th Cir. 2008)
- United States v. Guarino, 517 F.3d 1067 (8th Cir. 2008)
- United States v. Howell, 531 F.3d 621 (8th Cir. 2008)
- United States v. Hudspeth, 525 F.3d 667 (8th Cir. 2008)
- United States v. Hudspeth, 518 F.3d 954 (8th Cir. 2008)
- United States v. Larue, 275 F. App'x 565 (8th Cir. 2008)
- United States v. Patrick, 259 F. App'x 909 (8th Cir. 2008)
- United States v. Perry, 531 F.3d 662 (8th Cir. 2008)
- United States v. Sigala, 521 F.3d 849 (8th Cir. 2008)
- United States v. Trower, 285 F. App'x 321 (8th Cir. 2008)
- United States v. Walker, 271 F. App'x 539 (8th Cir. 2008)
- United States v. Williams, 521 F.3d 902 (8th Cir. 2008)

Habeas Cases Appealed

- Riddle v. Kemna, 523 F.3d 850 (8th Cir. 2008)

Other Cases Appealed

- United States v. Castellanos, 518 F.3d 965 (8th Cir. 2008) (motion to suppress)

Civil Cases Reversed

- Craig Outdoor Advertising, Inc. v. Viacom Outdoor, Inc., 528 F.3d 1001 (8th Cir. 2008)
- Willcockson v. Astrue, 540 F.3d 878 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Blair, 530 F.3d 655 (8th Cir. 2008)
- United States v. Counts, 305 F. App'x. 304 (8th Cir. 2008)
- United States v. Howell, 531 F.3d 621 (8th Cir. 2008)

Habeas Cases Reversed

- Riddle v. Kemna, 523 F.3d 850 (8th Cir. 2008)

Other Cases Reversed

- United States v. Castellanos, 518 F.3d 965 (8th Cir. 2008) (motion to suppress)

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Craig Outdoor Advertising, Inc. v. Viacom Outdoor, Inc., 528 F.3d 1001 (8th Cir. 2008)
- Riddle v. Kemna, 523 F.3d 850 (8th Cir. 2008)
- United States v. Blair, 530 F.3d 655 (8th Cir. 2008)
- United States v. Howell, 531 F.3d 621 (8th Cir. 2008)
- Willcockson v. Astrue, 540 F.3d 878 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Castellanos, 518 F.3d 965 (8th Cir. 2008)
- United States v. Counts, 305 F. App'x 304 (8th Cir. 2008)

Judge Scott O. Wright

Civil Cases Appealed

- H&R Block, Inc. v. American International Specialty Lines Insurance Co., 546 F.3d 937 (8th Cir. 2008)
- Herron v. Principal Management Corp., 270 F. App'x 455 (8th Cir. 2008)
- Irving v. Dormire, 519 F.3d 441 (8th Cir. 2008)
- Jeep v. Bennett, 295 F. App'x 866 (8th Cir. 2008)
- Koenig v. Dormire, 273 F. App'x 575 (8th Cir. 2008)
- Moore v. Conley, 300 F. App'x 443 (8th Cir. 2008)
- Nolan v. Thompson, 521 F.3d 983 (8th Cir. 2008)
- Rhoads v. Kansas City Life Insurance Co., 289 F. App'x 142 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Brown, 550 F.3d 724 (8th Cir. 2008)
- United States v. Bueno, 549 F.3d 1176 (8th Cir. 2008)
- United States v. Gray, 533 F.3d 942 (8th Cir. 2008)
- United States v. Morriss, 531 F.3d 591 (8th Cir. 2008)

- United States v. Payne, 534 F.3d 948 (8th Cir. 2008)
- United States v. Stevens, 260 F. App'x 945 (8th Cir. 2008)
- United States v. Wright, 277 F. App'x 642 (8th Cir. 2008)

Habeas Cases Appealed

- Bishop v. Dormire, 526 F.3d 382 (8th Cir. 2008)

Other Cases Appealed

- N/A

Civil Cases Reversed

- Irving v. Dormire, 519 F.3d 441 (8th Cir. 2008)

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- Bishop v. Dormire, 526 F.3d 382 (8th Cir. 2008)

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Irving v. Dormire, 519 F.3d 441 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- Bishop v. Dormire, 526 F.3d 382 (8th Cir. 2008)

DISTRICT OF NORTH DAKOTA

Judge Patrick A. Conmy

Civil Cases Appealed

- Allen v. Brown Clinic, P.L.L.P., 531 F.3d 568 (8th Cir. 2008)
- Executive Air Taxi Corp. v. City of Bismarck, 518 F.3d 562 (8th Cir. 2008)

Criminal Cases Appealed

- N/A

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Reversals

- N/A

Judge Ralph R. Erickson

Civil Cases Appealed

- Carlson v. Retzel & Andress, 552 F.3d 648 (8th Cir. 2008)
- Keiser v. Johnson, 283 F. App'x 427 (8th Cir. 2008)
- Auto Club Group v. Wimbush, 285 F. App'x 328 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Azure, 539 F.3d 904 (8th Cir. 2008)
- United States v. Chahia, 544 F.3d 890 (8th Cir. 2008)
- United States v. Chalupnik, 514 F.3d 748 (8th Cir. 2008)
- United States v. Garcia, 299 F. App'x 607 (8th Cir. 2008)
- United States v. Ybarra, 276 F. App'x 535 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Lee v. Astrue, 276 F. App'x 529 (8th Cir. 2008)

Civil Cases Reversed

- N/A

Criminal Cases Reversed

- United States v. Chalupnik, 514 F.3d 748 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- United States v. Chalupnik, 514 F.3d 748 (8th Cir. 2008)

Reversals for De Novo Review of Law

- N/A

Reversals for Clear Error and Other Grounds

- N/A

Judge Daniel L. Hovland

Civil Cases Appealed

- Hinsley v. Standing Rock Child Protective Services, 516 F.3d 668 (8th Cir. 2008)
- Hueske v. State Farm Fire & Casualty Co., 289 F. App'x 960 (8th Cir. 2008)
- Larson v. Granite Re, Inc., 532 F.3d 724 (8th Cir. 2008)
- Moore v. Bertsch, 293 F. App'x 434 (8th Cir. 2008)
- Moore v. Fargo Police Department, 297 F. App'x 569 (8th Cir. 2008)
- Moore v. Schuetzle, 289 F. App'x 962 (8th Cir. 2008)
- Nelson v. First National Bank & Trust Co. of Williston, 543 F.3d 432 (8th Cir. 2008)
- Odom v. Brutger Equities, Inc., 302 F. App'x 505 (8th Cir. 2008)
- Roemmich v. Eagle Eye Development, L.L.C., 526 F.3d 343 (8th Cir. 2008)
- Wheeler v. North Dakota, 293 F. App'x 424 (8th Cir. 2008)
- Wilhelm v. Credico, Inc., 519 F.3d 416 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Crissler, 539 F.3d 831 (8th Cir. 2008)
- United States v. Lester, 283 F. App'x 421 (8th Cir. 2008)

- United States v. Moe, 536 F.3d 825 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- Wilhelm v. Credico, Inc., 519 F.3d 416 (8th Cir. 2008)

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Wilhelm v. Credico, Inc., 519 F.3d 416 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

Judge Rodney S. Webb

Civil Cases Appealed

- United States v. Hamberg, 294 F. App'x 251 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Cartier, 543 F.3d 442 (8th Cir. 2008)
- United States v. Johnson, 314 F. App'x 897 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Reversals

- N/A

DISTRICT OF NEBRASKA

Judge Joseph F. Bataillon

Civil Cases Appealed

- Delcastillo v. Odyssey Resource Management, Inc., 292 F. App'x 519 (8th Cir. 2008)
- Genesee County Employees' Retirement Systems v. Hanson, 285 F. App'x 317 (8th Cir. 2008)
- Jones v. Department of Correctional Services, 289 F. App'x 144 (8th Cir. 2008)
- Lemm v. Omni Engineering, Inc., 261 F. App'x 929 (8th Cir. 2008)
- Malcolm v. Wooldridge, 285 F. App'x 309 (8th Cir. 2008)
- Mims v. United Parcel Service, 283 F. App'x 417 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Bass, 270 F. App'x 467 (8th Cir. 2008)
- United States v. Cordova, 262 F. App'x 737 (8th Cir. 2008)
- United States v. Green, 521 F.3d 929 (8th Cir. 2008)
- United States v. Grinbergs, 275 F. App'x 570 (8th Cir. 2008)
- United States v. McGhee, 512 F.3d 1050 (8th Cir. 2008)
- United States v. Santana-Aguirre, 537 F.3d 929 (8th Cir. 2008)
- United States v. Stanko, 528 F.3d 581 (8th Cir. 2008)
- United States v. Velasco, 282 F. App'x 500 (8th Cir. 2008)
- United States v. Vickers, 528 F.3d 1116 (8th Cir. 2008)

Habeas Cases Appealed

- Malcolm v. Houston, 518 F.3d 624 (8th Cir. 2008)
- Silva v. Houston, 300 F. App'x 444 (8th Cir. 2008)

Other Cases Appealed

- *In re* M&S Grading, Inc., 526 F.3d 363 (8th Cir. 2008)
- Kloch v. Kohl, 545 F.3d 603 (8th Cir. 2008)
- Renneke v. Astrue, 276 F. App'x 548 (8th Cir. 2008)
- Widtfeldt v. Schafer, 290 F. App'x 963 (8th Cir. 2008)

Civil Cases Reversed

- Delcastillo v. Odyssey Resource Management, Inc., 292 F. App'x 519 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Stanko, 528 F.3d 581 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- Kloch v. Kohl, 545 F.3d 603 (8th Cir. 2008)

Reversals for Abuse of Discretion

- United States v. Stanko, 528 F.3d 581 (8th Cir. 2008)

Reversals for De Novo Review of Law

- Kloch v. Kohl, 545 F.3d 603 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- Delcastillo v. Odyssey Resource Management, Inc., 292 F. App'x 519 (8th Cir. 2008)

Judge Laurie S. Camp

Civil Cases Appealed

- Ballard v. Heineman, 548 F.3d 1132 (8th Cir. 2008)
- Chao v. Barbeque Ventures, L.L.C., 547 F.3d 938 (8th Cir. 2008)

- Kountze v. Gaines, 536 F.3d 813 (8th Cir. 2008)
- Mawhiney v. Warren Distribution, Inc., 283 F. App'x 424 (8th Cir. 2008)
- Recio v. Creighton University, 521 F.3d 934 (8th Cir. 2008)
- Sherman v. Winco Fireworks, Inc., 532 F.3d 709 (8th Cir. 2008)
- Wegener v. Johnson, 527 F.3d 687 (8th Cir. 2008)
- Widtfeldt v. Holt County Board of Equalization, 273 F. App'x 573 (8th Cir. 2008)

Criminal Cases Appealed

- Diaz-Diaz v. United States, 297 F. App'x 574 (8th Cir. 2008)
- United States v. Birdine, 515 F.3d 842 (8th Cir. 2008)
- United States v. Cazares, 521 F.3d 991 (8th Cir. 2008)
- United States v. Coffey, 302 F. App'x 502 (8th Cir. 2008)
- United States v. Demling, 285 F. App'x 318 (8th Cir. 2008)
- United States v. Garcia, 512 F.3d 1004 (8th Cir. 2008)
- United States v. Howard, 532 F.3d 755 (8th Cir. 2008)
- United States v. Navarrete-Navarrete, 287 F. App'x 549 (8th Cir. 2008)
- United States v. Richardson, 275 F. App'x 571 (8th Cir. 2008)
- United States v. Robinson, 259 F. App'x 909 (8th Cir. 2008)
- United States v. Salazar-Gomez, 261 F. App'x 933 (8th Cir. 2008)
- United States v. Skannell, 282 F. App'x 509 (8th Cir. 2008)
- United States v. Smith, 261 F. App'x 921 (8th Cir. 2008)
- United States v. Tyndall, 521 F.3d 877 (8th Cir. 2008)
- United States v. Willis, 293 F. App'x 426 (8th Cir. 2008)
- United States v. Vargas-Gonzalez, 272 F. App'x 532 (8th Cir. 2008)
- United States v. Zavala, 271 F. App'x 549 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Haught v. Astrue, 293 F. App'x 428 (8th Cir. 2008)

Civil Cases Reversed

- Sherman v. Winco Fireworks, Inc., 532 F.3d 709 (8th Cir. 2008)

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- Sherman v. Winco Fireworks, Inc., 532 F.3d 709 (8th Cir. 2008)

Reversals for De Novo Review of Law

- N/A

Reversals for Clear Error and Other Grounds

N/A

Judge Richard G. Kopf

Civil Cases Appealed

- Bruechner v. Burlington Northern & Santa Fe Railway Co., 284 F. App'x 375 (8th Cir. 2008)
- Dahlgren v. First National Bank of Holdrege, 533 F.3d 681 (8th Cir. 2008)
- Jacobson v. Bruning, 281 F. App'x 638 (8th Cir. 2008)
- Kosmicki v. Burlington Northern & Santa Fe Railway Co., 545 F.3d 649 (8th Cir. 2008)
- Kozisek v. County of Seward, 539 F.3d 930 (8th Cir. 2008)
- Leonor v. Britten, 273 F. App'x 574 (8th Cir. 2008)
- Mamot Feed Lot & Trucking v. Hobson, 539 F.3d 898 (8th Cir. 2008)
- McElroy v. Janssen Pharmaceutica, Inc., 282 F. App'x 510 (8th Cir. 2008)

- Medina-Salas v. Tyson Fresh Meats, Inc., 277 F. App'x 643 (8th Cir. 2008)
- Wingate v. Gage County School District, 528 F.3d 1074 (8th Cir. 2008)

Criminal Cases Appealed

- Bowen v. Cheuvront, 521 F.3d 860 (8th Cir. 2008)
- United States v. Adelia-Martinez, 267 F. App'x 494 (8th Cir. 2008)
- United States v. Amos, 300 F. App'x 445 (8th Cir. 2008)
- United States v. Brockevelt, 259 F. App'x 898 (8th Cir. 2008)
- United States v. Cisneros, 274 F. App'x 499 (8th Cir. 2008)
- United States v. Coleman, 525 F.3d 665 (8th Cir. 2008)
- United States v. Herbeck, 282 F. App'x 490 (8th Cir. 2008)
- United States v. Hoover, 543 F.3d 448 (8th Cir. 2008)
- United States v. Jordan, 258 F. App'x 921 (8th Cir. 2008)
- United States v. Lee, 521 F.3d 911 (8th Cir. 2008)
- United States v. Mariles-Santos, 280 F. App'x 562 (8th Cir. 2008)
- United States v. Mijares, 264 F. App'x 543 (8th Cir. 2008)
- United States v. Pando, 545 F.3d 682 (8th Cir. 2008)
- United States v. Payseno, 277 F. App'x 644 (8th Cir. 2008)
- United States v. Reyes-Nunez, 300 F. App'x 436 (8th Cir. 2008)
- United States v. Robertson, 519 F.3d 452 (8th Cir. 2008)
- United States v. Schnieder, 259 F. App'x 908 (8th Cir. 2008)
- United States v. Tabor, 531 F.3d 688 (8th Cir. 2008)
- United States v. Ventura, 282 F. App'x 493 (8th Cir. 2008)
- United States v. Walker, 518 F.3d 983 (8th Cir. 2008)
- United States v. Williams, 262 F. App'x 735 (8th Cir. 2008)
- United States v. Wright, 512 F.3d 466 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Civil Cases Reversed

- Dahlgren v. First National Bank of Holdrege, 533 F.3d 681 (8th Cir. 2008)

Criminal Cases Reversed

- Bowen v. Cheuvront, 521 F.3d 860 (8th Cir. 2008)
- United States v. Brockevelt, 259 F. App'x 898 (8th Cir. 2008)
- United States v. Lee, 521 F.3d 911 (8th Cir. 2008)
- United States v. Tabor, 531 F.3d 688 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- United States v. Lee, 521 F.3d 911 (8th Cir. 2008)

Reversals for De Novo Review of Law

- N/A

Reversals for Clear Error and Other Grounds

- Bowen v. Cheuvront, 521 F.3d 860 (8th Cir. 2008)
- Dahlgren v. First National Bank of Holdrege, 533 F.3d 681 (8th Cir. 2008)
- United States v. Brockevelt, 259 F. App'x 898 (8th Cir. 2008)
- United States v. Tabor, 531 F.3d 688 (8th Cir. 2008)

Judge Lyle E. Strom

Civil Cases Appealed

- Auto Services Co. v. KPMG, LLP, 537 F.3d 853 (8th Cir. 2008)
- Black v. Shultz, 530 F.3d 702 (8th Cir. 2008)
- Jacobson v. Shresta, 282 F. App'x 484 (8th Cir. 2008)
- Nolles v. State Committee for the Reorganization of School Districts, 524 F.3d 892 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Buckley, 525 F.3d 629 (8th Cir. 2008)
- United States v. Cawthorn, 527 F.3d 678 (8th Cir. 2008)
- United States v. Davis, 538 F.3d 914 (8th Cir. 2008)
- United States v. Gustafson, 528 F.3d 587 (8th Cir. 2008)
- United States v. Gutierrez, 272 F. App'x 534 (8th Cir. 2008)
- United States v. Houston, 548 F.3d 1151 (8th Cir. 2008)
- United States v. Martinez-Ogarrio, 276 F. App'x 547 (8th Cir. 2008)
- United States v. McKay, 314 F. App'x 900 (8th Cir. 2008)
- United States v. Salcedo, 278 F. App'x 711 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Barthel v. Conner, 264 F. App'x 541 (8th Cir. 2008)
- *In re* M&S Grading, Inc., 541 F.3d 859 (8th Cir. 2008)

Civil Cases Reversed

- N/A

Criminal Cases Reversed

- United States v. Cawthorn, 527 F.3d 678 (8th Cir. 2008)
- United States v. Davis, 538 F.3d 914 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- United States v. Cawthorn, 527 F.3d 678 (8th Cir. 2008)

Reversals for De Novo Review of Law

- N/A

Reversals for Clear Error and Other Grounds

- United States v. Davis, 538 F.3d 914 (8th Cir. 2008)

Judge Warren K. Urbom

Civil Cases Appealed

- N/A

Criminal Cases Appealed

- United States v. Beltran-Medina, 282 F. App'x 482 (8th Cir. 2008)
- United States v. Chavez Loya, 528 F.3d 546 (8th Cir. 2008)
- United States v. Dodds, 532 F.3d 703 (8th Cir. 2008)
- United States v. Pruneda, 518 F.3d 597 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Reversals

- N/A

DISTRICT OF SOUTH DAKOTA

Judge Richard H. Battey

Civil Cases Appealed

- Smith v. Gold Dust Casino, 526 F.3d 402 (8th Cir. 2008)
- Steele v. Weber, 278 F. App'x 699 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Bear Robe, 521 F.3d 909 (8th Cir. 2008)
- United States v. Herron, 539 F.3d 881 (8th Cir. 2008)
- United States v. Merrival, 521 F.3d 889 (8th Cir. 2008)
- United States v. Mousseau, 517 F.3d 1044 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Ratliff v. Astrue, 540 F.3d 800 (8th Cir. 2008)
- United States v. M.R.M., 513 F.3d 866 (8th Cir. 2008)

Civil Cases Reversed

- Smith v. Gold Dust Casino, 526 F.3d 402 (8th Cir. 2008)

Criminal Cases Reversed

- N/A

Habeas Cases Reversed

- N/A

Other Cases Reversed

- Ratliff v. Astrue, 540 F.3d 800 (8th Cir. 2008)

Reversals for Abuse of Discretion

- Smith v. Gold Dust Casino, 526 F.3d 402 (8th Cir. 2008)

Reversals for De Novo Review of Law

- Ratliff v. Astrue, 540 F.3d 800 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

Judge Andrew W. Bogue

Civil Cases Appealed

- Ferebee v. Smith, 280 F. App'x 560 (8th Cir. 2008)
- Schmidt v. Bodin, 273 F. App'x 570 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Black Bear, 542 F.3d 249 (8th Cir. 2008)
- United States v. Eagle, 515 F.3d 794 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- N/A

Reversals

- N/A

Judge Charles B. Kornmann

Civil Cases Appealed

- Johnson v. United States, 534 F.3d 958 (8th Cir. 2008)
- Schumacher v. Cargill Meat Solutions Corp., 515 F.3d 867 (8th Cir. 2008)
- Students for Sensible Drug Policy Foundation v. Spellings, 523 F.3d 896 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Antelope, 548 F.3d 1155 (8th Cir. 2008)
- United States v. Azure, 536 F.3d 922 (8th Cir. 2008)
- United States v. Burnette, 518 F.3d 942 (8th Cir. 2008)
- United States v. Fischer, 551 F.3d 751 (8th Cir. 2008)
- United States v. Hollowhorn, 523 F.3d 882 (8th Cir. 2008)
- United States v. Howard, 275 F. App'x 568 (8th Cir. 2008)
- United States v. Jenners, 537 F.3d 832 (8th Cir. 2008)
- United States v. Johnson, 519 F.3d 816 (8th Cir. 2008)
- United States v. Kemp, 530 F.3d 719 (8th Cir. 2008)
- United States v. Refert, 519 F.3d 752 (8th Cir. 2008)
- United States v. Rojas, 520 F.3d 876 (8th Cir. 2008)
- United States v. Steele, 550 F.3d 693 (8th Cir. 2008)
- United States v. Taken Alive, 513 F.3d 899 (8th Cir. 2008)
- United States v. Two Elk, 536 F.3d 890 (8th Cir. 2008)

Habeas Cases Appealed

- N/A

Other Cases Appealed

- Tri-State Financial, L.L.C. v. Lovland, 525 F.3d 649 (8th Cir. 2008)
- United States v. A.E.B., 295 F. App'x 99 (8th Cir. 2008)

Civil Cases Reversed

- Schumacher v. Cargill Meat Solutions Corp., 515 F.3d 867 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Azure, 536 F.3d 922 (8th Cir. 2008)
- United States v. Kemp, 530 F.3d 719(8th Cir. 2008)
- United States v. Refert, 519 F.3d 752 (8th Cir. 2008)
- United States v. Rojas, 520 F.3d 876 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- United States v. Azure, 536 F.3d 922 (8th Cir. 2008)
- United States v. Rojas, 520 F.3d 876 (8th Cir. 2008)

Reversals for De Novo Review of Law

- Schumacher v. Cargill Meat Solutions Corp., 515 F.3d 867 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Kemp, 530 F.3d 719 (8th Cir. 2008)
- United States v. Refert, 519 F.3d 752 (8th Cir. 2008);

Judge Lawrence L. Piersol

Civil Cases Appealed

- Baker v. Science Applications International Corp., 273 F. App'x 577 (8th Cir. 2008)
- Belt v. Boyd, 278 F. App'x 698 (8th Cir. 2008)

- Castaneira v. Ligtenberg, 262 F. App'x 726 (8th Cir. 2008)
- DuBois v. Dooley, 277 F. App'x 651 (8th Cir. 2008)
- Goings v. United States, 287 F. App'x 543 (8th Cir. 2008)
- Hanig v. City of Winner, 527 F.3d 674 (8th Cir. 2008)
- Yankton Sioux Tribe v. Department of Health & Human Services, 533 F.3d 634 (8th Cir. 2008)
- Ziegler v. Kempthorne, 266 F. App'x 505 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Austad, 519 F.3d 431 (8th Cir. 2008)
- United States v. Collier, 527 F.3d 695 (8th Cir. 2008)
- United States v. Peralez, 526 F.3d 1115 (8th Cir. 2008)
- United States v. Reyes-Solano, 543 F.3d 474 (8th Cir. 2008)

Habeas Cases Appealed

- Guel v. Whitehead, 282 F. App'x 497 (8th Cir. 2008)
- Miller v. Whitehead, 527 F.3d 752 (8th Cir. 2008)

Other Cases Appealed

- Feucht v. Pierce, 280 F. App'x 553 (8th Cir. 2008)

Civil Cases Reversed

- Goings v. United States, 287 F. App'x 543 (8th Cir. 2008)
- Ziegler v. Kempthorne, 266 F. App'x 505 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Peralez, 526 F.3d 1115 (8th Cir. 2008)
- United States v. Reyes-Solano, 543 F.3d 474 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- N/A

Reversals for Abuse of Discretion

- N/A

Reversals for De Novo Review of Law

- Goings v. United States, 287 F. App'x 543 (8th Cir. 2008)

- United States v. Peralez, 526 F.3d 1115 (8th Cir. 2008)
- United States v. Reyes-Solano, 543 F.3d 474 (8th Cir. 2008)
- Ziegler v. Kempthorne, 266 F. App'x 505 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- N/A

Judge Karen E. Schreier

Civil Cases Appealed

- Bone Shirt v. Hazeltine, 524 F.3d 863 (8th Cir. 2008)
- Cottier v. City of Martin, 551 F.3d 733 (8th Cir. 2008)
- Gaillard v. Jim's Water Service, Inc., 535 F.3d 771 (8th Cir. 2008)
- Gingras v. Wood, 294 F. App'x 241 (8th Cir. 2008)
- Jones v. Swanson, 512 F.3d 1045 (8th Cir. 2008)
- Planned Parenthood Minnesota, North Dakota, South Dakota v. Rounds, 530 F.3d 724 (8th Cir. 2008)
- Pucket v. Hot Springs School District No. 23-2, 526 F.3d 1151 (8th Cir. 2008)
- Roller v. GE Medical Systems Information Technologies, Inc., 280 F. App'x 561 (8th Cir. 2008)

Criminal Cases Appealed

- United States v. Hughes, 535 F.3d 880 (8th Cir. 2008)
- United States v. Reddest, 512 F.3d 1067 (8th Cir. 2008)
- United States v. Spotted Elk, 548 F.3d 641 (8th Cir. 2008)
- United States v. Wright, 540 F.3d 833 (8th Cir. 2008)

Habeas Cases Appealed

- Boston v. Weber, 525 F.3d 622 (8th Cir. 2008)
- Gingras v. Weber, 543 F.3d 1001 (8th Cir. 2008)

Other Cases Appealed

- Oglala Sioux Tribe v. C&W Enterprises, Inc., 542 F.3d 224 (8th Cir. 2008)
- Schmidt v. Big Boy, 272 F. App'x 536 (8th Cir. 2008)
- Schmidt v. Fire Thunder, 272 F. App'x 536 (8th Cir. 2008)

Civil Cases Reversed

- Planned Parenthood Minnesota, North Dakota, South Dakota v. Rounds, 530 F.3d 724 (8th Cir. 2008)

Criminal Cases Reversed

- United States v. Reddest, 512 F.3d 1067 (8th Cir. 2008)
- United States v. Spotted Elk, 548 F.3d 641 (8th Cir. 2008)

Habeas Cases Reversed

- N/A

Other Cases Reversed

- Oglala Sioux Tribe v. C&W Enterprises, Inc., 542 F.3d 224 (8th Cir. 2008)

Reversals for Abuse of Discretion

- Oglala Sioux Tribe v. C&W Enterprises, Inc., 542 F.3d 224 (8th Cir. 2008)
- Planned Parenthood Minnesota, North Dakota, South Dakota v. Rounds, 530 F.3d 724 (8th Cir. 2008)

Reversals for De Novo Review of Law

- United States v. Spotted Elk, 548 F.3d 641 (8th Cir. 2008)

Reversals for Clear Error and Other Grounds

- United States v. Reddest, 512 F.3d 1067 (8th Cir. 2008)