



NEWS RELEASE

June 12, 2012

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Ninth Circuit Court of Appeals to Offer Remote Viewing of *En Banc* Proceedings

SAN FRANCISCO – The United States Court of Appeals for the Ninth Circuit will provide for remote viewing of *en banc* court proceedings scheduled for June 19-21, 2012, in Courtroom Three of the Richard H. Chambers U.S. Courthouse, 125 South Grand Avenue, Pasadena, California.

En banc courts, which consist of 11 judges rather than the normal three-judge appellate panel, are used to resolve intra-circuit case conflicts and legal questions deemed by the court to be of exceptional importance. Approximately 20 cases per year typically receive *en banc* review.

The six appeals to be heard in Pasadena involve immigration visa petitions and the Child Status Protection Act; an “extended border search” of laptop computer found to contain child pornography; denial of an adjustment relief status under the Immigration and Nationality Act; an appeal of the denial of a habeas corpus petition prior to enactment of the Antiterrorism and Effective Death Penalty Act (AEDPA); and appeals of sentences imposed following guilty pleas to offenses related to importation, possession and distribution of methamphetamine. More information is provided below.

A live video and audio feed from the proceedings at the Pasadena courthouse will be delivered via electronically secure means to the following Ninth Circuit courthouses:

James R. Browning
U.S. Courthouse
95 7th St.
San Francisco, California
Courtroom 3

U.S. Pioneer Courthouse
700 SW Sixth Avenue
Portland, Oregon
Pioneer Courtroom

William K. Nakamura
U.S. Courthouse
1010 Fifth Avenue
Seattle, Washington
En Banc Courtroom, 8th Floor

Public access to the remote viewing locations will be on a first-come-first-served basis. No photographs or recording/transmission of the audio and video displayed at the remote viewing locations will be allowed. Proper decorum is expected.

NINTH CIRCUIT *EN BANC* COURTS
PASADENA, CALIFORNIA
June 19-21, 2012

June 19 10:00 a.m.

Cuellar De Osorio v. Mayorkas (Case 09-56786)

Costelo v. Napolitano (Case 09-56846)

In consolidated cases, plaintiffs appeal orders of the U.S. District Court for the Central District of California Central California denying their motions for summary judgment. Plaintiffs' alleged that the U.S. Citizenship and Immigration Services wrongfully refused to accord the appropriate priority dates to the immigrant visa petitions filed on behalf of their adult children contrary to the Child Status Protection Act (CSPA). The district court held that the Board of Immigration Appeals' published decision in *Matter of Wang*, 25 I. & N. Dec. 28 (BIA 2009) (finding that the automatic conversion and priority date retention provisions of the CSPA do not apply to an alien who ages out of eligibility for an immigrant visa as the derivative beneficiary of a fourth-preference visa petition) was entitled to deference.

2:00 p.m.

United States v. Cotterman (Case 09-10139)

The U.S. government appeals interlocutorily an order of the U.S. District Court for the District of Arizona suppressing evidence found in a laptop computer belonging to Howard Cotterman, who is charged with production of child pornography; transportation and shipping, receipt, and possession of child pornography; and importation and transportation of obscene material. The district court concluded that, although agents lawfully seized the laptop at the border and checked the computer files there, a forensic analyst's search of the laptop 48 hours later at a field office away from the border was an "extended border search" that required reasonable suspicion, which was lacking.

June 20 10:00 a.m.

Garfias-Rodriguez v. Holder (Case 09-72603)

Francisco Javier Garfias-Rodriguez, a native and citizen of Mexico, petitions for review of the BIA's dismissal of his appeal of an immigration judge's decision finding him removable and denying his application for adjustment of status. The BIA found that pursuant to *Matter of Briones*, 24 I. & N. Dec. 355 (BIA 2007), Garfias-Rodriguez was statutorily ineligible to adjust status relief because he was inadmissible under the Immigration and Nationality Act.

NINTH CIRCUIT *EN BANC* COURTS
PASADENA, CALIFORNIA
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3:00 p.m.

Carrera v. Ayers (Case 08-99007)

Constantino Carrera, a California state prisoner, appeals the pre-Antiterrorism and Effective Death Penalty Act (AEDPA) denial by the U.S. District Court for the Eastern District of California of his habeas corpus petition challenging his jury conviction for robbery and robbery felony murder. Co-defendant Ruiz was tried and convicted separately. The district court granted habeas relief as to the capital sentence and ordered either a new death penalty trial or re-sentencing in accordance with state law.

June 21 12:00 p.m.

United States v. Yopez (Case 09-50271)

David Yopez appeals the sentence imposed following his guilty plea to importation of methamphetamine.

United States v. Montes (Case 09-50409)

The United States appeals the sentence imposed on Audenago Acosta Montes following his guilty plea to possession of methamphetamine with intent to distribute and importation of methamphetamine.

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

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