

# *First Circuit Opinion Summaries by Findlaw*

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## **Most Recent Summaries**

### **Linton v. Saba**

February 1, 2016

Habeas Corpus

(United States First Circuit) - Denial of habeas corpus relief from conviction of first degree murder is affirmed over petitioner's claims that: 1) there was insufficient evidence to support the conviction; and 2) the admission of statements decedent made to her father violated his rights under the Confrontation Clause.

### **Schiffmann v. US**

February 1, 2016

Corp. Governance, Tax Law

(United States First Circuit) - In an appeal by corporate officers found to be personally responsible for causing their corporation to shirk its payroll tax obligations, the district court grant of summary judgment to the government is affirmed where: 1) there is no genuine issue as to any material fact; and 2) both plaintiffs were responsible persons during the relevant quarters, and each of them acted wilfully in failing to see to the payment of the corporation's overdue and current trust fund taxes.

### **Colon-Marrero v. Garcia-Velez**

February 1, 2016

Government Law

(United States First Circuit) - In a case to determine whether federal law forbids Puerto Rico from removing individuals from its active voter registry for the office of Resident Commissioner, the only federal elective position in Puerto Rico, based solely on their failure to vote in one general election, the district court's judgment is affirmed where: 1) the National Voter Registration Act (NVRA) does not apply to Puerto Rico; 2) plaintiffs' constitutional challenge to that statute's coverage is without merit; and 3) the Help America Vote Act (HAVA), which comprehensively addresses federal election administration, invalidates Article 6.012's deactivation procedure.

### **Martinez-Rivera v. Commonwealth of Puerto Rico**

January 29, 2016

Civil Rights, Labor & Employment Law

(United States First Circuit) - In an employment suit brought by a former employee of Puerto Rico's Vocational Rehabilitation Administration (VRA), an agency tasked with integrating persons with disabilities into the workforce, alleging the VRA had discriminated against her because of her disability, age, and politics, in violation of state and federal law, the district

court's unexplained dismissal of her claims is: 1) reversed in part as to dismissal of both plaintiff's ADA claim and her local-law claims; but 2) affirmed in all other respects.

**Bernardo v. Johnson**

January 29, 2016

Immigration Law

(United States First Circuit) - In a case raising a question of first impression in the circuit, 8 U.S.C. section 1252(a)(2)(B)(ii), which precludes judicial review of the Attorney General's and the Secretary of Homeland Security's discretionary decisions under Title 8, Chapter 12, Subchapter II, applies to the revocation of visa petition approvals under 8 U.S.C. section 1155.

**US v. Mulero-Diaz**

January 29, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Revocation of supervised release and imposition of prison term for violations of conditions of the supervised release are affirmed where defendant failed to meet his burden of showing plain error in the court's decision to admit hearsay evidence during the show-cause hearing.

**Commodity Futures Trading Comm v. Wilson**

January 29, 2016

Remedies, Securities Law

(United States First Circuit) - In a commodity trading fraud case, the district court's summary judgment on the CFTC's request for a finding of liability and imposition of injunctive relief and civil penalties but refusal to award restitution, as measured by loss to pool participants, is affirmed over both parties' challenges where: 1) the district court's determination that based on the undisputed facts, defendant violated the anti-fraud provision of 7 U.S.C. section 6b(a); and 2) the district court did not err in concluding restitution was unavailable.

**US v. Reyes-Rivera**

January 29, 2016

(United States First Circuit) - Sentence for conviction of bank fraud and conspiracy to commit wire fraud, arising out of a Ponzi scheme that defrauded 230 vulnerable people out of approximately \$22 million, are affirmed over defendant's claims that the 242 month sentence is too high because his was only a run-of-the-mill Ponzi scheme.