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Criminal Law & Procedure, Sentencing

US v. Mercado, No. 13-2268

In this case, defendant pleaded guilty to one count of failure to register under the Sex Offender Registration and Notification Act (SORNA) and was sentenced to a top-of-the-range incarcerative sentence of 37 months to be followed by a five-year term of supervised release. The judgment is affirmed, where the group of supervised release conditions restricting defendant's interactions with minors do not impress upon the defendant a great deprivation of liberty than is reasonably necessary to serve the goal of deterrence.

Criminal Law & Procedure, Sentencing

US v. Delgado-Flores, No. 13-2064

In this case, after pleading guilty to a drug conspiracy charge, defendant was sentenced to 135 months' imprisonment. Defendant seeks to have his sentence reduced or to have a new sentencing hearing on grounds that the government materially breached the plea agreement. The judgment is affirmed, where: 1) the government was obligated to proceed at sentencing pursuant to a stipulated drug amount and sentencing recommendation; and 2) the government proceeded in accordance with the plea agreement.

Admiralty, Contracts, Insurance Law

Caitlin (Syndicate 2003) At Lloyd's v. San Juan Towing and Marine Services, Inc., No. 13-2491

In this case involving a maritime insurance policy issued by plaintiff to cover defendant's floating drydock, the district court decided in favor of plaintiff, finding that the insurance policy was void ab initio by reason of defendant's violations of the doctrine of uberrimae fidei in its application for the policy. The judgment is affirmed with a minor modification to reflect that the contract was voidable, not void ab initio, where defendant violated the doctrine of uberrimae fidei in its procurement of the insurance policy and plaintiff was therefore entitled to void the policy.

Securities Law

Fire and Police Pension Association of Colorado v. Abiomed, Inc., No. 14-1502

In this securities fraud case, the district court dismissed the complaint on the ground that plaintiffs had not pleaded facts giving rise to a "cogent and compelling" inference of scienter. The judgment of dismissal is affirmed, where: 1) the district court correctly held that the pleadings are insufficient to establish the requisite inference of scienter; and 2) even assuming

that plaintiffs plausibly alleged that defendants made false or misleading statements which had a material effect on defendant Abiomed's stock price, plaintiffs have not sufficiently alleged that defendants made those statements with the "conscious intent to defraud" or with "a high degree of recklessness."