

First Circuit Opinion Summaries by Findlaw

- [First Circuit Opinion Summaries by Findlaw](#) - with links to full-text opinions arranged by month.

Most Recent Summaries

FINDLAW DAILY OPINION SUMMARIES U.S. 1ST CIRCUIT COURT OF APPEALS

Bankruptcy Law, Civil Procedure, Injury & Tort Law

Barraford v. T&N Limited, No. 14-1281

In this personal injury action, plaintiff brought an asbestos claim that had accrued roughly a decade earlier, and when defendant raised a statute of limitations defense, plaintiff argued that defendant's Chapter 11 Bankruptcy Reorganization Plan allows it to bring this claim whenever it wishes to do so until all of the proceeds of defendant's insurance policy are exhausted. Judgment of the district court dismissing plaintiff's suit on statute of limitations grounds is affirmed, where the Reorganization Plan unambiguously terminated the automatic stay without limitation or qualification and contains no provision that even remotely provides for any further tolling of the limitations period beyond that granted by the Bankruptcy Code.

Criminal Law & Procedure, Sentencing

US v. Joubert, No. 14-1259

In this case, defendant was convicted of three counts of sexual exploitation of children and one count of possession of child pornography and was sentenced to 480 months imprisonment. The judgment is affirmed in all respects, where: 1) the affidavit established probable cause to search defendant's parents' house, as there was a nexus element was satisfied; 2) the uncharged child molestation testimony was very prejudicial, but not unfairly so; 3) the interstate commerce element is satisfied in this case by the fact that the VHS tape on which the child pornography was recorded was made out-of-state; 4) the district court did not abuse its discretion in sentencing defendant to 480 months.

Criminal Law & Procedure, Sentencing

Cuevas v. US, No. 14-1296

In this case, defendant was convicted of one count of conspiracy to possess with intent to distribute less than 100 grams of heroin and four counts of distributing and possessing with intent to distribute heroin, and was sentenced to 84 months imprisonment and a six-year term of supervised release. Defendant's federal sentence, however, was increased based on state convictions that have since been vacated. Defendant now seeks to obtain resentencing on the federal charge. Judgment of the district court finding against defendant is reversed and the case is remanded, where defendant's claim is cognizable under 28 U.S.C. section 2255.