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## **Most Recent Summaries**

Criminal Law & Procedure

### **US v. Bravo-Fernandez, No. 14-1089**

In a case raising important and novel issues about when an acquittal in an earlier trial may be deemed to bar, under the Double Jeopardy Clause, a new prosecution on a related offense, arising in connection with the federal bribery prosecutions of a former member of the Puerto Rico Senate and of the former president of a Puerto Rico private security firm, the district court's denial of defendants' motions to enter a judgment of acquittal is affirmed over defendants' challenges where the court's line order did not constitute an irreversible acquittal of the defendants of those counts under the Double Jeopardy Clause.

Criminal Law & Procedure

### **US v. Maldonado-Rios, No. 14-1357**

When a defendant moves to modify a sentence during the pendency of an appeal of that sentence, the district court should follow the procedure in Federal Rule of Appellate Procedure 12.1, which provides for the use of an indicative ruling by the district court in such circumstance. Here the District Court lacked jurisdiction to issue that order while this appeal was pending.

Criminal Law & Procedure, Sentencing, Immigration Law

### **US v. Zhang, No. 14-1382**

In an appeal raising two questions of first impression in the circuit, a) whether, given the language of the Mandatory Victim Restitution Act (MVRA), 18 U.S.C. section 3663A, the United States (through one of its agencies) is a "victim" for purposes of the MVRA; and b) if so, whether the amount of restitution imposed under the MVRA should be offset by the value of property forfeited to the Attorney General under 18 U.S.C. section 982, the district court's restitution orders are affirmed where: 1) the US is a "victim" within the meaning of section 3663A; and 2) a restitution award may not be offset by the value of property forfeited to the

Criminal Law & Procedure, Habeas Corpus

### **Logan v. Gelb, No. 14-2050**

Denial of petition for habeas corpus relief from conviction of living off or sharing the earnings of a minor prostitute in violation of Massachusetts law is affirmed where petitioner's ineffective-assistance, sufficiency of evidence and improper testimony claims do not satisfy the exacting standards that govern habeas review of a state court conviction.

<http://media.ca1.uscourts.gov/pdf/opinions/14-2050P-01A.pdf>

Civil Rights

**Mitchell v. Miller, No. 14-2116**

In an action brought by a suspect/plaintiff against a police officer who shot at him as he sped away breaking into his estranged wife's apartment, the district court's grant of summary judgment to the officer-defendant is affirmed where he did not violate plaintiff's Fourth Amendment rights and was entitled qualified immunity.

Bankruptcy Law, Criminal Law & Procedure

**In re Charbono, No. 14-2151**

In a Chapter 13 case, the district court's order upholding the bankruptcy court's sanctions for criminal contempt is affirmed where a bankruptcy court has inherent power to sanction parties for noncompliance with court orders.