

First Circuit Opinion Summaries by Findlaw

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Most Recent Summaries

Sig Sauer, Inc. v. Brandon

June 21, 2016

Administrative Law

(United States First Circuit) - In a gun manufacturer's challenge to the District Court's decision to uphold a ruling by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) that a gun plaintiff seeks to market includes a 'silencer' under the National Firearms Act (NFA), 26 U.S.C. sections 5801 et seq., the District Court's decision is affirmed where there is a sufficiently reasoned basis in the administrative record for ATF's classification of this part as one that is 'intended only for use' in assembling or fabricating a silencer.

US v. Carrasquillo-Penalosa

June 21, 2016

Criminal Law & Procedure

(United States First Circuit) - Conviction by guilty plea to violating 18 U.S.C. section 2423(a), by attempting to prostitute a fourteen-year-old girl to undercover federal agents, is affirmed, over her claim that application of section 2423(a) to conduct wholly within Puerto Rico exceeds Congress's legislative authority, where defendant waived her right to bring this challenge when she entered an unconditional guilty plea and executed a waiver-of-appeal clause.

Lima v. Lynch

June 21, 2016

Immigration Law, Administrative Law

(United States First Circuit) - In a native of El Salvador's petition for review of a final removal order entered by the Board of Immigration Appeals (BIA), the petition is dismissed for lack of jurisdiction where under the challenge to the underlying discretionary denial of relief under Section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA), fails to raise a colorable legal or constitutional claim.

Frangos v. Bank of America, N.A.

June 21, 2016

Property Law & Real Estate, Banking Law

(United States First Circuit) - In a suit brought by plaintiffs who had twice defaulted on their mortgage, against lenders seeking to forestall a planned foreclosure sale of their home, the District Court's entry of summary judgment in favor of the defendants is affirmed where there the court did not err by denying their request for a permanent injunction, or by relying on representations made by defendants' counsel at oral argument to the effect that, if the defendants

were to recommence foreclosure proceedings in the future, they would do so only after complying with the notice requirements.

Draper v. Healey

June 20, 2016

Commercial Law, Constitutional Law, Government Law

(United States First Circuit) - In a pre-enforcement action brought by firearms dealers, consumers and advocacy groups under 42 U.S.C. section 1983 challenging the constitutionality of a Massachusetts handgun regulation as being unenforceably vague in violation of Fourteenth Amendment due process, and a complementary claim that the regulation violates the Second Amendment by preventing them from purchasing third and fourth generations Glocks, the District Court's grant of the Government's motion to dismiss under Federal Rules of Civil Procedure 12(b)(1) and (6), is affirmed where: 1) the advocacy group lacks standing to sue; 2) the regulation is not vague; and 3) the consumer-plaintiffs' stipulation concedes that dismissal of the due process claim requires dismissal of the Second Amendment claim as well.

Rando v. Leonard

June 17, 2016

Injury & Tort Law

(United States First Circuit) - In a suit brought by a former employee, who was terminated after she confessed to a manager-defendant that she stole over 100 bottles of pain medication from a pharmacy, alleging the tort of intentional interference with contractual relations for forcing her to confess, the District Court's entry of summary judgment in favor of defendant is affirmed where even if defendant questioned plaintiff in a hostile manner, that evidence cannot support a claim for intentional interference with contractual relations.

Garcia v. Novartis Pharmaceuticals

June 17, 2016

Injury & Tort Law, Drugs & Biotech

(United States First Circuit) - In qui tam actions under the False Claims Act (FCA), 31 U.S.C. section 3729 et seq., and related state statutes, alleging defendants caused physicians and healthcare providers to submit false claims to the government for reimbursement for Xolair, an injected drug used to treat allergies, the District Court's dismissal of the federal and state claims with prejudice is: 1) affirmed as to dismissal of the federal claims where the relators failed to state their complaints with sufficient particularity; but 2) vacated as to the dismissal of the state claims where the court erred in dismissing the state-law claims with prejudice.

Boch Imports Inc. v. NLRB

June 17, 2016

Labor & Employment Law

(United States First Circuit) - In a concerns cross-petitions from an order that the National Labor Relations Board issued in 2015, that a Massachusetts car dealership was liable for unfair labor practices in two respects, the dealership's petition for review is denied where the Board's rulings are supported by substantial evidence and by reasoning that is not arbitrary and capricious.

US v. Henry

June 17, 2016

Criminal Law & Procedure

(United States First Circuit) - Conviction by conditional guilty plea under Federal Rule of Criminal Procedure 11(a)(2) to two counts of sexual exploitation of children in violation of 18 U.S.C. section 2251(a) is affirmed where the District Court did not err: 1) in its determination that defendant was not entitled to raise a 'mistake of age' defense; or 2) in denying defendant's motion to suppress evidence found or seized in connection with a search of his motel room.

US v. Acevedo-Sueros

June 17, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for conviction by guilty plea to four felony counts related to a conspiracy to import over 1,300 kilograms of cocaine is affirmed where: 1) there was no error in applying the U.S.S.G. section 3E1.1(b) offense level adjustment at sentencing; and 2) defendant has not carried his burden to show that his substantial rights were affected by the court's alleged failure to satisfy Rule 32(i)(1)(A).