

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

CRIMINAL LAW & PROCEDURE, SENTENCING, EVIDENCE

US v. Ramirez-Negron, No. 10-1524

Defendants' sentences for their convictions related to a large drug trafficking conspiracy are affirmed, where: 1) there was no Alleyne error because all elements of the defendants' crimes of conviction were admitted as part of the guilty pleas and neither defendant was sentenced based on a mandatory minimum sentence; and 2) defendants' respective evidentiary challenges fail.

ADMINISTRATIVE LAW, COMMUNICATIONS LAW, CONSTITUTIONAL LAW **CTIA - The Wireless Association v. Telecommunications Regulatory Board of Puerto Rico, No. 12-2427**

In a challenge to Puerto Rico's "Registry Act," which requires telephone companies and other sellers of prepaid phones to provide information about the purchasers of such phones to the government of Puerto Rico, the district court properly determined that the Registry Act is preempted by the federal Stored Communications Act (SCA), and its enforcement should be enjoined, because the SCA prohibits wireless service providers from providing customer information to the government without a subpoena.

COMMERCIAL LAW, CONTRACTS

BAE Systems Information v. SpaceKey Components, Inc., No. 13-2240

Summary judgment for plaintiff in an action in which plaintiff alleges that defendant wrongfully withheld payment for semiconductor integrated circuits is affirmed, where: 1) the 08/07 terms of sale (TOS) applied to the transaction; 2) here, the 8/07 TOS limited defendant's remedies for breach of plaintiff's warranty (that the circuits would conform to their published specifications) to return for credit, repair or replacement at plaintiff's sole option; 3) defendant withheld payment in response to the alleged breach of warranty, which was a remedy outside the 8/07 TOS; and 4) an aggrieved buyer must provide the seller with a reasonable opportunity to carry out the limited remedy before the buyer can successfully argue failure of essential purpose.

IMMIGRATION LAW

Donnee v. Holder, No. 13-1237

The Board of Immigration Appeals (BIA) properly dismissed petitioner's appeal of an Immigration Judge's denial of his request to reopen removal proceedings, where the BIA

correctly ruled that a grant of Temporary Protected Status (TPS) by the Department of Homeland Security only served to prevent execution of the removal order in any event; it did not affect the validity of the order.

CONSTITUTIONAL LAW, CONTRACTS, GOVERNMENT BENEFITS, HEALTH LAW, INJURY & TORT LAW, LABOR & EMPLOYMENT LAW

Lopez-Munoz v. Triple-S Salud, Inc., No. 13-1417

Dismissal of an action asserting local law claims for damages arising out of defendant-health insurer's refusal to cover plaintiff's lap band medical procedure is reversed and remanded, where: 1) the Federal Employees Health Benefits Act of 1959 (FEHBA) does not completely preempt local-law tort and contract claims arising out of a refusal by an FEHBA insurer to cover a medical procedure; and thus, 2) the removal of this case to federal court cannot be justified on the basis of complete preemption.