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

Civil Rights, Constitutional Law, Injury & Tort Law

McGrath v. Tavares, No. 12-2277

Summary judgment for defendant-police officers in a 42 U.S.C. section 1983 action, alleging that defendant-police officers used excessive force in violation of the Fourth and Fourteenth Amendments when they shot and killed plaintiff's son, is affirmed, where: 1) Officer Tavares's use of deadly force was objectively reasonable because a reasonable officer in the same circumstances could have believed that the decedent posed a threat of serious physical harm to his person when he fired shots one and two, and an identical threat to Officer Almeida when he fired shots three and four; 2) because the record does not establish a Fourth Amendment violation, plaintiff's claim cannot survive summary judgment; and 3) even if a constitutional violation was established, defendants would still be entitled to summary judgment based on qualified immunity because they did not violate clearly established law.

Civil Rights, Commercial Law, Government Contracts, Government Law

Garcia-Gonzalez v. Puig-Morales, No. 12-2357

Summary judgment for defendant in an action in which plaintiff alleges First and Fourteenth Amendment violations and seeks compensatory and punitive damages under 42 U.S.C. section 1983 over the rescission of a bid award for a potential, but unexecuted, insurance brokerage contract with the Puerto Rico government, is: 1) affirmed in part, as to the district court's grant of summary judgment on plaintiff's Fourteenth Amendment due process claim; but 2) reversed in part and remanded, as to the grant of summary judgment on his First Amendment claim for political discrimination.

Immigration Law

Sugiarto v. Holder, No. 13-2085

The Board of Immigration Appeals (BIA) properly denied petitioner's motion to reopen her asylum request, where: 1) the BIA did not abuse its discretion in finding that petitioner failed to provide sufficient evidence of changed country conditions; and 2) the BIA adequately explained its opinion.