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## **Most Recent Summaries**

### **US v. Miranda-Martinez, No. 14-1149**

Sentence following defendant's guilty plea to drug trafficking crimes is affirmed over unpersuasive claims that defendant is entitled to resentencing because: 1) the government breached the terms of his plea agreement; and 2) the district court erroneously imposed a two-level firearm enhancement under the United States Sentencing Guidelines.

Civil Procedure

### **Concordia Partners LLC v. Pick, No. 14-1233**

In a case that sits at the intersection of state contract law and federal copyright law, in which a state trial court entered the preliminary injunction before the case was removed to federal court, and the federal court did not then adopt or otherwise rule on the state court's order before the filing of this appeal, the appeal is dismissed for want of appellate jurisdiction, as we hold that there is no interlocutory order from a federal district court to review.

Evidence, Immigration Law

### **Mazariegos v. Holder, No. 14-1431**

Petition for review of the BIA's denial of motion to reopen the removal proceedings based on new evidence, is denied where petitioner failed to offer any documentary evidence in support of his application for CAT relief, including any evidence of the conditions in Guatemala, and the probative value of the modest amount of evidence submitted to the IJ is questionable.

Commercial Law, Contracts

### **Carter's of New Bedford, Inc. v. Nike, Inc., No. 14-1463**

In a case arising out of a contract dispute between a family-owned retail clothing and footwear business and Nike, originally filed in Massachusetts state court and alleging a host of contractual claims as well as a claim under Mass. Gen. Laws ch. 93A, sections 2 and 11, the district court's dismissal of the claims is affirmed where the invoices included a forum selection clause that regulated the relationship between defendant and plaintiff and required the latter to bring any claim in Oregon, not Massachusetts.

Criminal Law & Procedure, Sentencing

### **US v. Jimenez-Banegas, No. 13-1980**

Sentence for conviction of illegal reentry into the United States pursuant to 8 U.S.C. section 1326 is affirmed over defendant's claim that the fact of his prior conviction for an aggravated felony had to be alleged in the indictment and proven beyond a reasonable doubt in order for him to be sentenced to a term greater than the two-year statutory maximum established in section 1326(a), where his argument is foreclosed by binding Supreme Court precedent.

Constitutional Law, Immigration Law

**Blackman v. Holder, No. 13-2129**

Petition for review of a BIA decision affirming an order that Panama-native petitioner be removed is denied where the description of deportation as a "penalty" in *Padilla v. Kentucky*, 559 U.S. 356 (2010), does not alter the longstanding notion that removal is non-punitive and thus does not implicate the Eighth Amendment's prohibition on cruel and unusual punishment or related constitutional protection.