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Rivera-Rivera v. US

December 23, 2016

Habeas Corpus, Criminal Law & Procedure

(United States First Circuit) - In a habeas corpus action alleging ineffective assistance of counsel, the district court's denial of relief is affirmed where the magistrate judge did not commit clear error in crediting petitioner's lawyer's version of events over petitioner's during an evidentiary hearing.

D'Agostino v. EV3, Inc.

December 23, 2016

Civil Procedure

(United States First Circuit) - In a qui tam action, the district court's denial of plaintiff's motion to amend the complaint is affirmed where none of plaintiff's claims offered in his fourth amended complaint are adequately pled and the factual recitation set forth in the third amended complaint is insufficient as well.

Belsito Communications, Inc. v. Decker

December 23, 2016

Civil Rights, Constitutional Law

(United States First Circuit) - In a constitutional action arising after defendant state trooper seized plaintiff-photographer's camera at the scene of a car crash, the district court's grant of summary judgment to defendant is affirmed where: 1) plaintiff Belsito Communications lacks standing to pursue its constitutional claims; and 2) plaintiff Blackden failed to identify clearly-established federal law that placed the state trooper's conduct beyond debate at the time of the incident.

Block Island Fishing, Inc. v. Rogers

December 23, 2016

Labor & Employment Law, Admiralty

(United States First Circuit) - In an admiralty action arising from plaintiff-employer's suit against defendant, an injured fisherman employed on one of its boats, to dispute the duration and amount of 'maintenance and cure' payments to which defendant is entitled under admiralty law, the district court's judgment is: 1) affirmed as to plaintiff's ability of offset overpayment against any damages that defendant may win at trial; and 2) reversed as to the district court's determination of a date on which plaintiff's obligations terminated because insufficient notice and opportunity to contest otherwise was given to defendant.

Rodriguez-Vazquez v. Solivan Solivan

December 23, 2016

Judges & Judiciary, Civil Procedure

(United States First Circuit) - In a civil action against various public officials in Puerto Rico, brought by several plaintiffs wrongfully convicted of murder based on police misconduct involving a key witness, the district court's order holding a lawyer in contempt for making public statements about the case's confidential settlement terms is reversed where there is no basis in the record supporting the contention that the lawyer violated any court order.