

# ***First Circuit Opinion Summaries by Findlaw***

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## **Most Recent Summaries**

### **Libertarian Party of NH v. Gardner**

December 2, 2016

Constitutional Law, Elections, Government Law

(United States First Circuit) - In a suit by the he Libertarian Party of New Hampshire (LPNH) alleging that the new, reduced time period during which New Hampshire law allows parties to gather nomination signatures and submit nomination papers, claiming that the new restriction violated its rights under the First and Fourteenth Amendments to the United States Constitution,

### **US v. Fleury**

December 2, 2016

Evidence, Criminal Law & Procedure

(United States First Circuit) - Conviction by guilty plea to being a felon in possession of a firearm and ammunition, 18 U.S.C. section 922(g)(1), pleaded after the district court denied defendant's motion to suppress the fruits of a search conducted at his residence, is affirmed where, although aspects of the affidavit are troubling, because it contained information from a recording that supported probable cause without relying on information provided by the confidential informant (CI), defendant's recorded statements that he had a gun at his residence established probable cause.

### **Law Offices of David Efron, PC v. Candelario**

December 2, 2016

Judges & Judiciary, Judgement Enforcement

(United States First Circuit) - In an appeal from an order of the District Court for the District of Puerto Rico directing that 'the moneys for legal fees to Mr. Efron, which we ordered retained by our Clerk, be disbursed to the Court of First Instance, Superior Part of San Juan,' is reversed and the funds ordered to be paid pursuant to the provisions originally governing the funds' disposition, where: 1) Puerto Rico courts cannot garnish funds deposited in a federal district court's registry; 2) the district court cannot transfer registry funds without transferring the concomitant case; and 3) the appellee has no right to intervene in the federal action.

### **US v. Cardona-Vicenty**

December 2, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for guilty plea to conspiring to distribute narcotics near three public housing projects and possessing a firearm in furtherance of the drug trafficking offense is affirmed where there was no clear error with the sentencing court's fact finding and no actual conflict of interest with second defense counsel ordered by the court.