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Most Recent Summaries

Commonwealth of Massachusetts v. Wampanoag Tribe of Gay Head

April 10, 2017

Gaming Law, Indian Law

(United States First Circuit) - In an action brought by Massachusetts against a federally recognized Indian tribe that seeks to have gaming pursuant to the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. sections 2701-2721, on its trust lands, alleging that any gaming on the Settlement Lands should be subject to state, rather than federal, laws and regulations, the district court's judgment in favor of the government is reversed where: 1) the Tribe has exercised more than sufficient governmental power to satisfy the requirements of IGRA; and 2) the Wampanoag Tribal Council of Gay Head, Inc., Indian Claims Settlement Act of 1987, Pub. L. No. 100-95, 25 U.S.C. sections 1771-1771i, has been impliedly repealed by IGRA in relevant part.

US v. Ponzo

April 7, 2017

Sentencing, Criminal Law & Procedure

(United States First Circuit) - In a criminal case involving a former member of the northeast crime syndicate known as the Patriarca Family of La Cosa Nostra, who, after being charged with multiple criminal offenses, absconded to Arizona, changed his identity, and joined a marijuana-shipment conspiracy, his sentence and convictions of conspiracy to commit racketeering, conspiracy to commit murder in aid of racketeering, conspiracy to distribute cocaine, extortion, flight from justice, and conspiracy to distribute marijuana are affirmed over an assortment of supposed errors -- ranging from the prosecution's use of the grand jury to the court's sentence selection, and almost everything in between.

Brennan v. Zafgen, Inc.

April 7, 2017

Class Actions, Securities Law

(United States First Circuit) - In a securities fraud class action suit brought by investors against the company and its CEO, pursuant to Sections 10(b) and 20(a) of the Securities Exchange Act of 1934, 15 U.S.C. sections 78j(b) and 78(t)(a), and Securities and Exchange Commission Rule 10b-5, 17 C.F.R. section 240.10b-5, alleging misleading statements made by the defendants regarding the company's anti-obesity drug Beloranib, the district court's dismissal of the complaint is affirmed where plaintiffs' complaint did not contain facts giving rise to a 'cogent and compelling' inference of scienter as required under the Private Securities Litigation Reform Act of 1995 (PSLRA).

US v. Roman-Diaz

April 7, 2017

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for guilty plea to conspiring to possess with intent to distribute in excess of 280 grams of cocaine base and detectable amounts of cocaine, heroin, and marijuana, 21 U.S.C. sections 841(a)(1) and 846, and aiding and abetting in the possession of a firearm in furtherance of a drug-trafficking crime, 18 U.S.C. section 924(c) of is affirmed over defendant's contentions that the sentencing court erred in 'departing' from one criminal history category (CHC) to another without notice or an opportunity to be heard, and in ordering his federal sentence to run consecutive to an undischarged state sentence, where there was no departure and no abuse of discretion in the imposition of the challenged consecutive sentence.

Ortiz-Martinez v. Fresenius Health Partners PR

April 7, 2017

Labor & Employment Law

(United States First Circuit) - In an action by an employee who, after suffering a work-related injury, sued her employer for failing to accommodate her disability in violation of the American with Disabilities Act (ADA), 42 U.S.C. sections 12101-12213, the district court's grant of summary judgment to defendant is affirmed where: 1) plaintiff did not qualify as a 'disabled' individual under the ADA; and 2) she was the cause of the breakdown in communications concerning her accommodations.