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Most Recent Summaries

US v. Diaz-Rosado

May 16, 2017

Criminal Law & Procedure

(United States First Circuit) - In a criminal case in which defendant was indicted in the United States District Court for the Southern District of Florida for his role in planning and organizing a maritime smuggling operation involving over 1,000 kilograms of cocaine, and five days later, was indicted again in the United States District Court for the District of Puerto Rico for his role in planning and organizing a maritime smuggling operation involving over 1,000 kilograms of cocaine, the District Court denial of defendant's motion to dismiss the Puerto Rico indictment is affirmed where the second indictment did not violate the Double Jeopardy Clause of the U.S. Constitution.

Denault v. Ahern

May 16, 2017

Civil Rights, Criminal Law & Procedure, Attorney's Fees

(United States First Circuit) - In an action alleging a common law conversion claim against a police officer, arising out of the seizure and search of plaintiffs' car which produced no evidence but accumulated towing and storage fees owed to the city's towing vendor that exceeded the value of the seized property, the district court's judgment is affirmed over plaintiffs' attempts to revive a civil rights claim that might serve as a basis for an award of attorneys' fees.

US v. Bueno-Beltran

May 15, 2017

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Revocation of defendant's supervised release and imposition of a 24-month term of imprisonment are affirmed where the district court did not abuse its discretion when it admitted hearsay evidence or err in finding that defendant violated his supervised release terms.

Buntin v. City of Boston

May 15, 2017

Civil Rights

(United States First Circuit) - In a question of first impression in the Circuit, a plaintiff may not bring claims for damages under 42 U.S.C. section 1981 against state actors, including defendants sued in their official capacities as government officials, under the U.S. Supreme Court decision in *Jett v. Dallas Independent School District*.

US v. Lasalle-Gonzalez

May 15, 2017

Sentencing, Criminal Law & Procedure

(United States First Circuit) - In a criminal case in which defendant was sentenced for his guilty plea to being a felon in possession of a firearm with an agreed sentencing range of thirty to thirty-seven months, but after the district court tallied all the points for what defendant did with that firearm burgling a house then shooting a police officer as he tried to flee the scene--the court landed on a sentence of ten years, the statutory maximum, the sentence is affirmed over defendant's claims of an unreasonable sentence and ineffective assistance of counsel.

Walker-Butler v. Berryhill

May 12, 2017

Government Benefits, Administrative Law

(United States First Circuit) - In an action for review of the Commissioner of Social Security's decision granting a partially favorable decision on plaintiff's claim for Title II disability benefits, the district court's decision and order dismissing plaintiff's claim as untimely are affirmed where plaintiff cannot apply the five-day grace period under 20 C.F.R. section 422.210(c) to save her civil claim from being untimely.

Oliveira v. New Prime, Inc.

May 12, 2017

Labor & Employment Law, Class Actions, Dispute Resolution & Arbitration

(United States First Circuit) - In an employment class action alleging violations the Fair Labor Standards Act (FLSA), 29 U.S.C. section 201-219, as well as the Missouri minimum-wage statute, raising two questions of first impression, the district court's denial of defendant's motion to compel arbitration is affirmed where: 1) when a federal district court is confronted with a motion to compel arbitration under the Federal Arbitration Act (FAA), 9 U.S.C. sections 1-16, in a case where the parties have delegated questions of arbitrability to the arbitrator, the court must first determine whether the FAA applies before compelling arbitration under the FAA; and 2) a provision of the FAA that exempts contracts of employment of transportation workers from the FAA's coverage, the section 1 exemption, applies to a transportation-worker agreement that establishes or purports to establish an independent-contractor relationship.

US v. Almonte-Baez

May 12, 2017

Evidence, Criminal Law & Procedure

(United States First Circuit) - Conviction of drug-trafficking charges is affirmed over defendant's claims that the district court's denial of his motion to suppress evidence was erroneous where probable cause, combined with exigent circumstances, justified the warrantless entry.

In Re: Biogen Inc. Sec. Litig.

May 12, 2017

Class Actions, Securities Law

(United States First Circuit) - In a putative class action securities case involving allegations that corporate officials misled the public about the effect of one patient's death on sales of Tecfidera, a drug for multiple sclerosis (MS) and the company's leading source of revenue, alleging

violations under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (Exchange Act), 15 U.S.C. sections 78j(b) and 78t(a), the district court's dismissal of the second amended complaint and denial of the motion to vacate the judgment and for leave to amend the complaint are affirmed where: 1) the initial amended complaint fails to plead particularized facts giving rise to a strong inference of scienter, as required by the PSLRA; and 2) there was no error or abuse of discretion in the denial of the motion to vacate the judgment and for leave to file a second amended complaint.