

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

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## **Most Recent Summaries**

### **US v. Bedini**

June 26, 2017

Criminal Law & Procedure

(United States First Circuit) - Convictions for conspiracy to distribute cocaine were affirmed despite arguments by two defendants that they were subjected to unfair prejudice from being charged with participating in a single drug conspiracy but then jointly tried based on evidence that they argued showed two separate drug conspiracies.

### **Cruz v. Mattis**

June 26, 2017

Civil Rights, Civil Procedure

(United States First Circuit) - In a sex discrimination suit by an unsuccessful applicant for two teaching positions at an elementary school run by the Department of Defense (DOD), the district court's grant of summary judgment to the defendant is affirmed.

### **CSX Transportation, Inc. v. Healey**

June 23, 2017

Labor & Employment Law

(United States First Circuit) - In an action for declaratory judgment it was determined that a Massachusetts law relating to sick leave benefits is preempted as it applies to railroad employees by the federal Railroad Unemployment Insurance Act (RUIA). Affirming the district court's summary judgment, the case was returned to address further inquiries that arose during the appeals process regarding other areas of potential preemption and the possibility of severability in its application to railroad employees.

### **Marroquin-Rivera v. Sessions**

June 23, 2017

Immigration Law

(United States First Circuit) - In a Guatemalan native's petition for review of a Board of Immigration Appeals (BIA) decision affirming the Immigration Judge's (IJ) denial of withholding of removal under the Convention Against Torture (CAT), the petition is denied where a reasonable fear of future persecution was not established and prior persecution had not taken place on account of the petitioner's membership in a social group or political opinion.

### **US v. Torres-Figueroa**

June 23, 2017

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Variant sentencing resulting from a drug offense conviction is upheld because the application of the sentence in lieu of a two-level enhancement was not a clear or obvious error.

**US v. Carter**

June 22, 2017

Criminal Law & Procedure

(United States First Circuit) - A criminal case that resulted in a conviction, vacation of the conviction on appeal, and a dismissal of the indictment, was appealed by the government and was impacted by decisions issued by controlling authority regarding whether the underlying offense qualified as domestic violence, resulting in the reinstatement of the indictment and conviction, but permitting the defendant to argue a previously preserved sentencing challenge.

**US v. Ortiz-Vega**

June 21, 2017

(United States First Circuit) - In an ineffective assistance of counsel claim arising from a drug distribution conspiracy case, in which defendant claimed that lack of communication from his initial state-appointed attorney resulted in the loss of a better plea deal than the one he eventually accepted, the trial court's decision is reversed and remanded where it was error to delay ruling on the merits of the claims until sentencing.

**US v. Diaz-Concepcion**

June 21, 2017

Criminal Law & Procedure

(United States First Circuit) - Conviction of firearms and drugs offenses is affirmed over defendant's argument that his plea was not knowing and voluntary because the court failed to explain the charge at the plea hearing, where the attestations by the defendant and those found in the plea colloquy and other court documents and statements were adequate.