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US v. Quinones-Otero

August 28, 2017

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Affirming the district court sentence of 27 months of incarceration in the case of the possession of a firearm by a convicted felon because the imposition of a curfew and electronic monitoring requirement were not an abuse of discretion and the sentence was not unreasonable.

Rezende v. Ocwen Loan Servicing, LLC

August 25, 2017

Civil Procedure, Property Law & Real Estate, Bankruptcy Law

(United States First Circuit) - Affirming a district court judgment on the pleadings for the defense because a mortgagor lacks standing to bring a quiet title action as long as the mortgage remains in effect, the court correctly found some claims time-barred, while other claims lacked support for conclusory assertions, among other procedural defects.

US v. Cueto-Nunez

August 25, 2017

Criminal Law & Procedure, Sentencing, Immigration Law

(United States First Circuit) - Affirming the sentence in the case of a Dominican national convicted for attempting to reenter the US following a removal due to an aggravated felony that resulted in a 57 month term of incarceration, a 3 year term of supervised release, and 13 'standard' conditions of release because the term and conditions of release were reasonable.

Morse v. Cloutier

August 25, 2017

Criminal Law & Procedure

(United States First Circuit) - Affirming the district court's denial of a motion for summary judgment in which the defendant police officers argued that exigent circumstances and/or doorway arrests permitted a warrantless search of a home when a man sought in connection with a criminal complaint refused to exit his home to be arrested and the police broke in but there was no evidence of any emergency.

McKenna v. Curtin

August 25, 2017

Civil Procedure, Ethics & Disciplinary Code, Constitutional Law

(United States First Circuit) - Affirming a district court dismissal of claims by an attorney suspended from the practice of law for a year in a suit against a host of judicial officers and administrators who participated in his disciplinary proceedings seeking the reinstatement of his license and money damages on the basis of alleged First, Seventh, and Fourteenth Amendment violations, but the Rooker-Feldman doctrine applies where a state court loser files in federal court and bars such actions.

US v. Spencer

August 23, 2017

Evidence, Criminal Law & Procedure

(United States First Circuit) - Affirming a conviction for possession with intent to distribute cocaine base and conspiracy to possess with intent to distribute cocaine base where the convict challenged the admission of testimony from an undercover drug purchase, statements by the prosecutor, and the decision to deny discovery associated with a vindictive prosecution claim, but the district court's Brady motion analysis was not in error.

US v. Belin

August 22, 2017

Criminal Law & Procedure

(United States First Circuit) - Affirming that there was reasonable suspicion for a stop-and-frisk that resulted in the discovery of a firearm when officers responded to a call about a fight and was recognized by an officer as a local gang member who nervously attempted to avoid contact with the police and affirming that the court did not err when it repeatedly warned him about the consequences of overriding his attorney's advice and allowed him to waive his right to raise issues.

US v. Kifwa

August 22, 2017

Criminal Law & Procedure

(United States First Circuit) - Affirming the conviction and sentence of a man who conducted a criminal enterprise from prison by using an obscure African language in his communications because delays in disclosure of transcripts of translated recorded conversations were not the result of governmental bad faith because they were disclosed promptly upon receipt and the translations were understandably difficult to procure and dismissing without prejudice a claim of ineffective assistance of counsel because it hadn't been raised at trial and wasn't ripe for review.

Corbin v. Sarepta Therapeutics, Inc.

August 22, 2017

Securities Law, Class Actions

(United States First Circuit) - Affirming the district court's decision that plaintiffs in a securities fraud class action suit had failed to allege facts creating a strong inference that the defendants intentionally or recklessly deceived the investing public when they expressed confidence that their product would be approved by the FDA when it ultimately wasn't, resulting in plummeting stock value.