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U.S. 1st Circuit Case Summaries

Mu v. Omni Hotels Management Corporation

February 7, 2018

Landlord Tenant Law, Civil Procedure, Injury & Tort Law

(United States First Circuit) - Reversing a district court order granting summary judgment to a luxury condo complex in whose lobby the appellant, an owner, was assaulted by an unidentified group of drunken pot smoking teens that the hotel failed to fully eject and had his arm broken because the hotel had a duty to prevent the reasonably foreseeable harm the appellant suffered.

A.C. Castle Construction Co. v. Acosta

February 7, 2018

Civil Procedure, Labor & Employment Law, Injury & Tort Law, Administrative Law

(United States First Circuit) - Affirming the imposition of fines by the Occupational Safety and Health Administration against a general contractor for violations relating to an accident at a construction worksite where the contractor was properly held responsible for the acts and omissions of a subcontractor.

Villalta-Martinez v. Sessions

February 7, 2018

Immigration Law, International Law

(United States First Circuit) - Denying the petition for review of an order by the Board of Immigration Appeals which had denied applications for asylum, withholding of removal, and protection under the Convention Against Torture Act by a Salvadoran national who claimed to have been threatened by gangs but had little evidence, failed to establish persecution, and failed to establish a nexus.

Teixeira v. Town of Coventry

February 7, 2018

Civil Procedure, Civil Rights, Labor & Employment Law

(United States First Circuit) - Affirming the district court's use of the McDonnell Douglas framework typically used in the adjudication of pretrial motions in discrimination and retaliation cases as the basis for jury instructions because the lower court translated the technical aspects into everyday parlance and fit it to the facts and circumstances of the particular case appropriately.

Cooper v. D'Amore

February 2, 2018

Probate, Trusts & Estates, Civil Procedure

(United States First Circuit) - Reversing a district court grant of summary judgment to the plaintiff family seeking to claim the assets a deceased man had granted an ex-wife during their marriage and never revoked after their divorce because the decedant's transfers did not terminate the IRA in her benefit.

Dimmott v. US

February 2, 2018

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Affirming the dismissal of three petitions for post-conviction relief claiming that their sentence enhancements under the Armed Career Criminal Act residual clause was invalidated by the decision in *Johnson v. US* and that they can't be resentenced under *Mathis v. US* because, since the case proceeded under *Mathis*, rather than *Johnson* basis, they were outside of the one-year statute of limitations.

Ruiz-Escovar v. Sessions

February 2, 2018

Immigration Law, International Law

(United States First Circuit) - Denying the petition for review of the denial of withholding of removal and protection under the Convention Against Torture to a Honduran man who claimed he had a reasonable fear of future persecution on account of his family membership because he failed to establish past or future persecution and did not establish the nexus of persecution supportive of such a claim.