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U.S. 1st Circuit Case Summaries

US v. Barbosa

July 16, 2018

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Affirmed the sentencing of a defendant as a career criminal upon his conviction for being a felon in possession of a firearm. Defendant argued that he should not have been sentenced under the Armed Career Criminal Act and that the district court should have ordered a pretrial hearing to test the sufficiency of the probable cause allegations undergirding the arrest warrant. The First Circuit rejected both of these contentions.

Fustolo v. The Patriot Group LLC

July 16, 2018

Bankruptcy Law

(United States First Circuit) - Reversed a bankruptcy ruling that allowed a creditor to amend its pleadings belatedly. The bankruptcy debtor argued that the creditor should not have been permitted to inject a new theory supporting discharge denial at the eleventh hour based on previously available facts. On appeal, the First Circuit agreed, holding that the allowance of the belated amendment failed to satisfy due process and therefore was an abuse of discretion.

Justo v. Sessions

July 16, 2018

Immigration Law

(United States First Circuit) - Reversed the denial of asylum status to a Mexican man who claimed that his life was under threat in Mexico as Mexican police would be unable to protect him from gang members who had murdered his son and continued to target him and his family. While the immigration judge accepted his assertions, the Board of Immigration Appeals found the judge's conclusion clearly erroneous. In reversing and remanding, the First Circuit emphasized that the Mexican government's willingness to protect the man was not the same thing as its actual ability to do so.