

United States Court of Appeals For the First Circuit

No. 19-8027

DAVID BONIFACE; NISSANDRE MARTYR; JUDER S. YSEME,

Plaintiffs - Respondents,

v.

JEAN MOROSE VILIENA,

Defendant - Petitioner.

Before

Lynch, Kayatta and Barron,
Circuit Judges.

JUDGMENT

Entered: February 19, 2020

The district court certified that its order denying in part defendant-petitioner Jean Morose Viliena's motion to dismiss was appropriate for interlocutory review pursuant to 28 U.S.C. § 1292(b) (allowing district court to certify issue(s) for interlocutory review when order "involves a controlling question of law as to which there is substantial ground for difference of opinion" and when "an immediate appeal from the order may materially advance the ultimate termination of the litigation"). Defendant-petitioner then filed a petition for permission to appeal in this court. Having considered the district court's ruling and the parties' filings with this court, we conclude that defendant-petitioner has failed to demonstrate that immediate appeal is appropriate. See Camacho v. Puerto Rico Ports Auth., 369 F.3d 570, 573 (1st Cir. 2004) ("Section 1292(b) is meant to be used sparingly, and appeals under it are, accordingly, hen's-teeth rare. They require, among other things, leave of both trial and appellate courts."); see also Coopers & Lybrand v. Livesay, 437 U.S. 463, 474 (1978) (stating the court may deny a § 1292(b) appeal "for any reason").

Accordingly, defendant-petitioner's § 1292(b) petition is DENIED.

By the Court:

Maria R. Hamilton, Clerk

cc:

Joseph R. Palmore

Bonnie Lau

Carmen K. Cheung

Daniel McLaughlin

Peter Justin Haley

Patrick Thomas Uiterwyk