

# United States Court of Appeals For the First Circuit

---

No. 00-2352

CATHERINE GONZALEZ, INDIVIDUALLY AND AS  
PARENT GUARDIAN AND NEXT FRIEND OF THE  
MINOR CHILD KIANA RIOS,

Plaintiff, Appellant,

v.

UNITED STATES OF AMERICA,

Defendant, Appellee.

---

## ERRATA SHEET

The opinion of this Court issued on, April 1, 2002, is amended  
as follows:

Page 9, replace the text in lines 18-20 with the following:  
"This court uses different standards of review in evaluating a  
district court's dismissal for lack of subject matter jurisdiction  
under Fed. R. Civ. P. 12(b)(1), depending on the circumstances.  
See Valentín v. Hosp. Bella Vista, 254 F.3d 358, 362-63 (1st Cir.  
2001). Here, however, the plaintiff's challenge focuses on pure  
(or nearly pure) questions of law, and thus engenders de novo  
review. See id."

Page 10, delete the text on lines 10-13 beginning "A Rule  
12(b)(1) . . . (D. Mass. 1998)." and replace with the following  
text: "A Rule 12(b)(1) motion is sometimes transformed into a Rule  
56 motion where jurisdictional issues cannot be separated from the  
merits of the case. See Valentín, 254 F.3d at 363 & n.3."