

United States Court of Appeals For the First Circuit

Nos. 25-1830, 25-1833, 25-1834, 25-1835

KELLY HURLEY; JOSEPH CATANESE; NICHOLAS CATANESE; NICOLE
SKEFFINGTON,

Plaintiffs, Appellants,

v.

ROBERT CURTIS; CHRIS BARTOLOMEI; RONALD CARPENTER; MELISSA
MARTIN,

Defendants, Appellees,

v.

JUSTIN WASKIEWICZ,

Defendant.

APPEALS FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Patti B. Saris, U.S. District Judge]

[Hon. Myong J. Joun, U.S. District Judge]

Before

Barron, Chief Judge,
Lipez and Rikelman, Circuit Judges.

Richard K. Latimer for appellants.

Matthew J. Hamel, with whom Jason W. Crotty and Pierce Davis
& Perritano LLP were on brief, for appellees.

August 21, 2026

RIKELMAN, Circuit Judge. On three separate dates, police officers entered a "sober home" to respond to reports of overdoses or to execute arrest warrants. The plaintiffs -- former residents and the homeowner -- sued the officers, alleging violations of the Fourth Amendment and Massachusetts state law, but the district court granted summary judgment to the officers. We affirm after concluding that some of the plaintiffs' claims are without merit, others are waived, and the remainder are barred by qualified immunity.

I. BACKGROUND

A. Relevant Facts

Because the plaintiffs appeal from a summary judgment ruling against them, we recount the facts in the record in the light most favorable to them, drawing all reasonable inferences in their favor. See Boudreau v. Lussier, 901 F.3d 65, 69 (1st Cir. 2018).

From 2016 to 2020, plaintiff Joseph Catanese owned and operated Genesis House in Falmouth, Massachusetts. Genesis House was a sober home, certified by the Massachusetts Alliance for Sober Housing (MASH), a state accreditation program. Mass. Gen. Laws ch. 17, § 18A. Under state law, a "sober home" is intended to provide "an alcohol and drug free environment for people recovering from substance use disorders." Id. § 18A(a).

During the four years Catanese owned Genesis House, residents regularly called 911 to report overdoses, medical emergencies, disturbances, disorderly conduct, and assaults at the property. The Falmouth Police Department (FPD) was often dispatched in response to these calls.

This appeal involves three visits by FPD officers to Genesis House between October 2019 and January 2020. According to Catanese, FPD officers searched Genesis House and detained its residents during these visits because of a "vendetta" against him, arising from his decisions to report police corruption and discuss that corruption with Boston Globe journalists.

1. October 2019 Entry

On October 26, 2019, FPD Officer Robert Curtis was dispatched to Genesis House to respond to an overdose. According to the 911 call and testimony from plaintiff Nicholas Catanese,¹ a non-resident named Jesse Watts had allegedly injected himself with heroin and/or fentanyl in a second-floor bathroom and then walked into a bedroom where he collapsed in a chair. After finding Watts, Nicholas administered Narcan, a drug that treats opioid overdoses, and helped Watts out to his vehicle once he regained consciousness.

¹ Nicholas Catanese is Joseph Catanese's son and was a resident of Genesis House at the time. We refer to him as Nicholas to avoid any confusion.

When Officer Curtis arrived -- without a warrant -- he entered the property and "demanded to know where [Watts] had overdosed." Nicholas showed him the way. Curtis then searched the bathroom where the overdose had occurred, the bedroom belonging to Watts's girlfriend, and the area around the chair in the room where his report indicated that Watts had collapsed.² Per departmental policy, Curtis was looking for evidence of narcotics and for Watts's cell phone but found nothing. Other officers "detained" plaintiff Kelly Hurley in the kitchen during this search, and these officers and Curtis then "interrogated" her and Nicholas about Catanese before leaving.

2. December 2019 Entries

About one month later, on December 4, 2019, FPD Detectives Chris Bartolomei and Ronald Carpenter, along with other FPD officers, entered Genesis House three separate times. Their first entry was to assist the Massachusetts State Police (MSP) Violent Fugitive Apprehension Squad in executing an arrest warrant at Genesis House for Herman Andrade.

Although the police did not locate Andrade at Genesis House, they did make other arrests at the property that day. As it turned out, Nicholas had an open arrest warrant pending against

² Nicholas and Officer Curtis provided conflicting accounts about where Watts had collapsed. Nicholas testified that Watts had collapsed in his girlfriend's room, whereas Curtis indicated that Watts had collapsed in a different upstairs bedroom.

him, and he was at the house when the police were searching for Andrade. According to Nicholas, he was in a bedroom when the police initially entered the house. After hearing the "commotion," he walked into the kitchen where Detective Bartolomei "said hello" to him before another officer told him "to go to the living room and stay there on the couch." He was arrested "[a]bout ten to fifteen minutes" later.

Soon after leaving Genesis House, the police officers learned that another individual who was at the property, Tekeea Newcomb, had provided a fake name to avoid arrest on an outstanding probation warrant. So, the FPD returned to Genesis House later that same day to effectuate her arrest. During booking at the police station, Newcomb told the officers that Andrade had been hiding in the cellar of Genesis House while the police were searching for him earlier.

Based on Newcomb's tip, FPD officers, including Detective Bartolomei, proceeded to Genesis House for a third time that day. Andrew Plante, the house manager, immediately called Catanese, and the two remained on the phone while the officers searched the area underneath the stairs to the cellar. The officers did not locate Andrade, and Bartolomei informed the residents that they would be arrested if the police later learned that they had helped Andrade evade detection. According to

Catanese, Bartolomei told the residents they were "all fucked" and threatened to lock them up.

During these three searches on December 4, Detective Bartolomei became "troubled by the condition of Genesis House," especially given the "increase in overdoses in Falmouth," so he called Catanese on a recorded FPD phone line. Bartolomei told Catanese that he should be "embarrassed to call that a sober [home]" and said he was "going to shut [Catanese] down and . . . make sure [he] never get[s] a sober [home] again."

3. January 2020 Entries

On January 23, 2020, another Genesis House resident called 911 to report that Plante, the house manager, had overdosed. FPD Officer Melissa Martin responded. She entered without a warrant and remained at Genesis House, even after EMTs transported Plante to the hospital, to conduct a limited search and to question the residents, including plaintiff Nicole Skeffington, about the overdose.

Detective Carpenter arrived at Genesis House shortly after Officer Martin to assist with the investigation, again without a warrant. When he entered, Martin briefed him on the events and the limited search she had conducted. The officers then separated Skeffington and another resident to question them individually.

According to Skeffington, Detective Carpenter asked her "questions about [Catanese] and the house" because he "thought that [Catanese] was running" a "shady operation." In their complaint, the plaintiffs alleged that Carpenter then "proceeded to search the entire house." During discovery, however, Skeffington admitted that she did not actually see Carpenter conduct a search.

Because of "the nature of [the 911] call and the possibility that [Plante] may not survive," MSP troopers were also dispatched to the scene. They arrived well after Officer Martin and Detective Carpenter and allegedly searched the entire house, taking pictures and videos.

After all the officers left the premises, Catanese arrived at Genesis House. He quickly realized that at least some of the officers must have entered the closet where he kept his personal effects, because "it had been rifled through with [his] papers in disarray."

B. Procedural History

In October 2022, Catanese, Nicholas, Hurley, and Skeffington filed suit in Massachusetts state court against Officers Curtis and Martin, Detectives Bartolomei and Carpenter,

and others.³ The plaintiffs alleged that the searches and seizures by the police officers at Genesis House between October 2019 and January 2020 violated their rights under the U.S. Constitution and the Massachusetts Declaration of Rights. They also alleged other Massachusetts state law claims, including: false arrest, false imprisonment, invasion of privacy, intentional infliction of emotional distress, interference with economic relations, trespass, malicious destruction of property, and conspiracy. The defendants removed the lawsuit to the United States District Court for the District of Massachusetts on the basis of the federal search and seizure claims. See 28 U.S.C. § 1441.

After discovery, the defendants moved for summary judgment, contending that they had acted lawfully and that even if they had not, they were entitled to qualified immunity. See Fed. R. Civ. P. 56. The district court held a hearing and then entered a short electronic order in May 2025, granting summary judgment to the defendants on all claims except the Fourth Amendment, false arrest, and false imprisonment claims against Officer Martin and Detective Carpenter arising out of the January 2020 entry.

³ The district court ultimately granted partial summary judgment to MSP Trooper Justin Waskiewicz as to claims against him arising out of his entry on January 23, 2020. The remaining claims against Waskiewicz proceeded to trial, and the jury returned a verdict in his favor. The plaintiffs do not pursue their claims against Waskiewicz in this appeal.

The district court based its initial summary judgment ruling on the merits, without reaching the issue of qualified immunity. It concluded that there were "genuine disputes of material facts as to the length" of the detention "and the extent of [the] searches" during the January 2020 entry, but that the plaintiffs had "failed to demonstrate their [other] claims as alleged." The court explained that a longer decision would follow if the parties requested it, but no such request was filed. Thus, because they were not involved in the January 2020 entry, all claims against Officer Curtis and Detective Bartolomei were dismissed under the terms of this initial order.

One month later, before trial was set to begin, the district court "revisit[ed]" the summary judgment motions as to the January 2020 entry. Hurley v. Curtis, 786 F. Supp. 3d 277, 281 (D. Mass. 2025). It did so because its earlier "docket order did not address [the] [d]efendants' claims of qualified immunity." Id. The court determined that Officer Martin and Detective Carpenter were entitled to qualified immunity because "no reasonable juror could find that [they had] violated [the] [p]laintiffs' Fourth Amendment rights in either the search or detention" of the Genesis House residents in January 2020. Id. at 284. The court also concluded that Skeffington had waived her false arrest and false imprisonment claims. Id. at 287. Thus, it

granted summary judgment to Martin and Carpenter on all outstanding claims against them.

The plaintiffs timely appealed both summary judgment orders.⁴

II. STANDARD OF REVIEW

We review de novo the district court's grant of summary judgment to the officers, considering the facts in the record in the light most favorable to the plaintiffs and drawing all reasonable inferences in their favor. See Boudreau, 901 F.3d at 71. We will affirm only if there is no genuine dispute as to any material fact and the officers are entitled to judgment as a matter of law. See John B. Cruz Constr. Co. v. Beacon Cmtys. Corp., 169 F.4th 89, 95 (1st Cir. 2026). "A genuine dispute is one where the evidence is such that a reasonable jury could resolve the point in" favor of the party opposing summary judgment, and a material fact is one "that has the potential of affecting the outcome of the case." Id. (citation modified).

"To survive summary judgment, a party must highlight 'specific facts showing that a trier of fact could reasonably find in [its] favor.'" Id. (alteration in original) (quoting Johnson

⁴ The plaintiffs asked the district court to reconsider its dismissal of their Fourth Amendment claims against Detective Carpenter. The court denied that motion, and the plaintiffs do not appeal that ruling. We rely on the court's reasons for denying the reconsideration motion later in our analysis.

v. Johnson, 23 F.4th 136, 141 (1st Cir. 2022)). "[C]onclusory allegations, improbable inferences, and unsupported speculation" will not do. Id. (alteration in original) (quoting Johnson, 23 F.4th at 141). Ultimately, we may affirm on any ground apparent from the record. See J.S.H. v. Newton, 164 F.4th 142, 148 (1st Cir. 2026).

III. DISCUSSION

The plaintiffs contend that the district court erred in granting summary judgment to the officers on all claims arising from the officers' entries into Genesis House, including the federal and state search and seizure claims.⁵ They also challenge the court's grant of summary judgment to the officers on Catanese's state law conspiracy claim. As we will explain, the plaintiffs fail to demonstrate any error in the district court's rulings.

⁵ The plaintiffs repeatedly invoke the Fourteenth Amendment in their opening brief. But the plaintiffs did not include any Fourteenth Amendment claims in their complaint; instead, the only federal claims they alleged were under the Fourth and Fifth Amendments. The district court dismissed the Fifth Amendment claims on waiver grounds and because none of the officers are federal actors. Hurley, 786 F. Supp. 3d at 282 n.1. The plaintiffs do not challenge that ruling. Thus, we limit our federal constitutional analysis to their Fourth Amendment claims.

The plaintiffs also fail to develop any meaningful challenge to the district court's rulings dismissing the following state law claims: false arrest, false imprisonment, invasion of privacy, intentional infliction of emotional distress, interference with economic relations, trespass, and malicious destruction of property. Thus, we find these claims waived and do not analyze them further. See United States v. Zannino, 895 F.2d 1, 17 (1st Cir. 1990).

A. The Entries into Genesis House

The plaintiffs maintain that they were subject to invalid searches and seizures. Importantly, however, they make several concessions that narrow the scope of this appeal. They agree that Officer Curtis's entry into Genesis House and his initial search inside the property on October 26, 2019 were valid. They also agree that the arrest warrant justified the police's initial entry and search for Andrade on December 4, 2019. Finally, they agree that Officer Martin's entry and initial search on January 23, 2020 were legal. Thus, we focus on the officers' later conduct during the entries into Genesis House on the key dates.

To set the stage, we review the basic legal principles governing the plaintiffs' search and seizure claims. The plaintiffs brought these claims under both federal and Massachusetts state law. Although there are some differences between the relevant bodies of caselaw, the plaintiffs have not developed any argument that those differences matter here such that the searches and seizures at issue could be permissible under federal law but invalid under Massachusetts law.⁶ Thus, we proceed to analyze the plaintiffs' claims under federal law.

⁶ Article 14 of the Massachusetts Declaration of Rights "sometimes . . . provide[s] more substantive protection to individuals than that provided by the Fourth Amendment." Commonwealth v. Alexis, 112 N.E.3d 796, 803 (Mass. 2018). For example, it imposes a "more stringent standard[]" in defining the

The Fourth Amendment prohibits "unreasonable searches and seizures." U.S. Const. amend. IV. "At the very core of the Fourth Amendment stands the right of a man to retreat into his own home and there be free from unreasonable government intrusion." United States v. Giambro, 126 F.4th 46, 54 (1st Cir. 2025) (citation modified). Warrantless entries into and searches of the home, therefore, are "per se unreasonable" and are "subject only to a few specifically established and well-delineated exceptions." Mincey v. Arizona, 437 U.S. 385, 390 (1978) (emphasis omitted) (quoting Katz v. United States, 389 U.S. 347, 357 (1967)). Those exceptions include consent and the need to render emergency aid. See United States v. Rodríguez-Pacheco, 948 F.3d 1, 6-7 (1st Cir. 2020) (collecting cases); Giambro, 126 F.4th at 54 (discussing emergency aid exception).

For starters, "[c]onsent is a well-recognized exception to the requirement that police must have a warrant to search one's home." United States v. Coombs, 857 F.3d 439, 448 (1st Cir. 2017). Such a search "may not exceed the scope of the consent obtained,"

moment of seizure. Commonwealth v. Evelyn, 152 N.E.3d 108, 117 (Mass. 2020) (quoting Commonwealth v. Lyles, 905 N.E.2d 1106, 1107 n.1 (Mass. 2009)). Both Massachusetts law and federal law, however, require courts to focus on the "objective reasonableness" of officers' actions in analyzing search and seizure claims and allow for warrantless searches under the consent and emergency aid exceptions. See Commonwealth v. Buckley, 90 N.E.3d 767, 774 & n.11 (Mass. 2018); Commonwealth v. Arias, 119 N.E.3d 257, 267 (Mass. 2019).

meaning "consent to enter a home does not, by itself, give law enforcement officers carte blanche to rummage through the premises and perform a general search." United States v. Gamache, 792 F.3d 194, 198 (1st Cir. 2015). "The scope of consent is measured by a test of objective reasonableness" and is generally limited by the "expressed object," or purpose, of the search. United States v. Marshall, 348 F.3d 281, 286-87 (1st Cir. 2003).

Next, the emergency aid exception to the warrant requirement applies when officers have "an objectively reasonable basis for believing that a person within the house is in need of immediate aid." Giambro, 126 F.4th at 54 (citation modified). In determining whether an emergency exists that triggers the exception, we consider the totality of the circumstances known to the officer at the time. See Case v. Montana, 607 U.S. 107, 118 (2026). "[A]n emergency[] aid entry provides no basis to search the premises beyond what is reasonably needed to deal with the emergency while maintaining the officers' safety." Id. at 117.

As to seizures, an individual is seized if "the police conduct would have communicated to a reasonable person that the person was not free to decline the officers' requests or otherwise terminate the encounter." Florida v. Bostick, 501 U.S. 429, 439 (1991). To determine if a warrantless seizure is "justified," we again consider "the totality of [the] circumstances." Missouri v. McNeely, 569 U.S. 141, 149 (2013). Generally, an officer cannot

enter someone's home to execute a seizure without a warrant. See, e.g., Payton v. New York, 445 U.S. 573, 590 (1980). But there are exceptions to that rule, including when an officer has consent to enter or an objectively reasonable basis to believe that an occupant needs emergency aid. See United States v. Weidul, 325 F.3d 50, 53 (1st Cir. 2003); Brigham City v. Stuart, 547 U.S. 398, 403-04 (2006).

With these principles in mind, we turn to the plaintiffs' claims about the entries into Genesis House between October 2019 and January 2020.

1. October 2019 Entry

Hurley, Nicholas, and Catanese contend that the district court erred in granting summary judgment to Officer Curtis, because he "continued" to search and interrogate the residents on October 26, without their consent, after the exigency relating to Watts's overdose ended. We disagree.

As to the allegation that Officer Curtis "continued" to search after Watts was taken to the hospital, the plaintiffs have failed to introduce enough facts to overcome summary judgment. Indeed, the record here is devoid of any facts about the scope of a "continued" search by Curtis.

To support their search claims, the plaintiffs point to just two aspects of the record.⁷ To begin, they highlight Nicholas's statement that "[a]fter the police completed the search of the upstairs bath and [the] bedroom" where Watts was staying, "they remained on the premises" and "began to search the house again," even after an ambulance took Watts to the hospital. Next, the plaintiffs emphasize Hurley's testimony that "the police were at Genesis [H]ouse for more than an hour. A search was conducted by Officer Curtis and other unknown officers, after [the] initial emergency had ended with a non-resident taken from the driveway by [an] ambulance to [the] hospital after an overdose in his car."⁸

Even viewing the facts in the light most favorable to the plaintiffs, this testimony is just too conclusory to create a genuine dispute about whether Officer Curtis's "continued" search of Genesis House on October 26 ran afoul of the Fourth Amendment. See Est. of Bennett v. Wainwright, 548 F.3d 155, 171 (1st Cir. 2008) (affirming summary judgment to defendants on Fourth Amendment claim because "the summary judgment record" failed to support the plaintiffs' version of the facts); Tower v. Leslie-Brown, 326 F.3d 290, 297 (1st Cir. 2003) (affirming summary

⁷ The plaintiffs do also point us to one other portion of the record. But that part of the record relates to the events of January 23, not October 26.

⁸ We note that Hurley's testimony contradicts Nicholas's statement that the overdose occurred in a bathroom at Genesis House.

judgment to defendants on Fourth Amendment claim because plaintiffs relied on "a mere scintilla of evidence" in alleging "that an overly extensive search took place"). The statements by Nicholas and Hurley do not identify the scope of any "continued" search, the rooms or possessions searched, or the duration or length of the search. Without such details, their claims that any such search was unreasonable under the emergency aid exception must fail as a matter of law.

Although we are under no obligation to "scour the record" in evaluating the plaintiffs' claims, we note that an independent review of the record reveals nothing to support these claims. See Wilson v. Bradlees of New Eng., Inc., 250 F.3d 10, 23 n.24 (1st Cir. 2001). The plaintiffs do not contest that it was objectively reasonable under the emergency aid exception for Officer Curtis to search "the upstairs bathroom where [the overdose] occurred" and "the room occupied by [Watts's] girlfriend." The only evidence in the record of any search beyond those two rooms is Curtis's statement that he also searched "the area around the chair in [the] room where Mr. Watts collapsed." But the plaintiffs offer no argument whatsoever as to why a search of that additional room would have violated the Fourth Amendment. Thus, we conclude that the district court did not err in granting summary judgment to Curtis on the plaintiffs' claims based on a "continued" search.

We turn next to Officer Curtis's alleged seizure of Nicholas and Hurley for questioning. According to Nicholas, "Curtis and the other officers . . . interrogated [him and Hurley], asking questions about [his] father, Joseph Catanese, trying to get [them] to implicate him in drug use at Genesis House." In Nicholas's view, the officers "were not asking for information that could help the ER doctors treat Jesse Watts." Hurley, for her part, testified: "The police detained me, not letting me leave, while they interrogated everyone present in the kitchen. They kept asking me who owned the house, when they already knew it was Joe Catanese and were trying to get me to implicate him."

But once again, the plaintiffs' statements are too conclusory to send their seizure claims to trial. As the Supreme Court has reiterated time and again, "the ultimate touchstone of the Fourth Amendment is 'reasonableness,'" as measured in objective terms. Kentucky v. King, 563 U.S. 452, 459, 464 (2011) (quoting Stuart, 547 U.S. at 403). Even assuming that Officer Curtis did seize the plaintiffs and did not have their consent to do so throughout the interaction, the plaintiffs offer no facts to demonstrate that Curtis's brief questioning following a confirmed drug overdose at Genesis House was objectively unreasonable. See Payton, 445 U.S. at 590 (stating that "exigent circumstances" may justify a warrantless seizure). The only specific question the

plaintiffs recall Curtis asking is "who owned the house." They offer no precedent or developed argument about why it would violate the Fourth Amendment for officers responding to an overdose at a sober home to pose such a question. Similarly, even if Curtis were asking questions with the goal of "implicating" Catanese in illegal drug use, the plaintiffs do not explain why such inquiry would be objectively unreasonable, given that Catanese was the "[o]perator" of Genesis House and held "primary responsibility" for maintaining "an environment supportive of substance use disorder recovery." Mass. Gen. Laws ch. 17, § 18A(a).

As a result, we conclude that the plaintiffs' unlawful search and seizure claims against Officer Curtis arising out of the October 26 entry fail on the merits, under both federal and state law.

2. December 2019 Entries

Hurley, Nicholas, and Catanese also challenge the district court's grant of summary judgment to the officers pertaining to "the entries, searches, detentions and interrogations on December 4[]." On the day in question, the police entered Genesis House three separate times: (1) to search for Andrade pursuant to the arrest warrant; (2) to arrest Newcomb; and (3) to search for Andrade again. The plaintiffs challenge various actions during the first and third entries.

First, Hurley, Nicholas, and Catanese allege that Detectives Bartolomei and Carpenter unlawfully searched the premises during the first entry. The only fact they highlight in support of their unlawful search claim, however, is that "a State Trooper pointed a gun at Ms. Hurley[] and then rifled through her dresser and night stand." Carpenter and Bartolomei are not state troopers. Thus, we conclude that the plaintiffs have not shown a genuine dispute of material fact that would support finding these FPD officers responsible for an illegal search during the first entry. See Ocasio-Hernández v. Fortuño-Burset, 640 F.3d 1, 16 (1st Cir. 2011) ("Public officials may be held liable . . . for a constitutional violation only if a plaintiff can establish that his or her constitutional injury 'resulted from the direct acts or omissions of [that] official, or from indirect conduct that amounts to condonation or tacit authorization.'" (quoting Rodríguez-García v. Miranda-Marín, 610 F.3d 756, 768 (1st Cir. 2010))).

Second, Nicholas argues that he was "taken into custody after being detained, without a warrant, without consent and against his will, for almost thirty minutes." This claim shares the same fatal flaw as the search claim we just analyzed. Even accepting, for the purposes of this appeal, that Nicholas was seized, the plaintiffs do not point to any record evidence identifying Detectives Bartolomei or Carpenter as the officers who seized him. In fact, Nicholas testified that after Bartolomei

"said hello" to him, "another police officer" told him to go to the living room where he was later arrested by unidentified officers. (Emphasis added.) Thus, Nicholas has failed to show a genuine dispute of material fact that would support his unlawful seizure claim against these officers. See Ocasio-Hernández, 640 F.3d at 16; Rivera-Corraliza v. Puig-Morales, 794 F.3d 208, 224-25 (1st Cir. 2015) (affirming summary judgment on due process claim because the plaintiffs presented only "allegation[s] in their brief," which were not "competent evidence").

Third, Hurley and Catanese contend that Detectives Bartolomei and Carpenter's final entry and subsequent search in the cellar for Andrade were unlawful. Bartolomei decided to return to Genesis House on December 4 with multiple officers, including Carpenter, based on Newcomb's statement that Andrade had been hiding under the stairs in the cellar earlier that day. But according to the plaintiffs, Newcomb was unreliable and her statement was "utter[ly] absurd[]." The plaintiffs make this argument in a footnote, however, and cite no caselaw to support the contention that, based on the facts known to Bartolomei at the time, it was objectively unreasonable for him to rely on Newcomb's statement. Thus, we find this argument waived. See United States v. Zannino, 895 F.2d 1, 17 (1st Cir. 1990) ("[I]ssues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived.").

Lastly, Hurley argues that Detective Bartolomei unlawfully seized her. In attempting to create a factual dispute about her seizure claim, Hurley points only to her interrogatory answers that "the Detective" threatened "to lock [her] up if [she] didn't tell him what he wanted to hear about Joe Catanese" and that police officers asked, "where's Joe[?]" . But in her subsequent deposition, Hurley testified that she "can't remember stuff" and could not recall any details about this third entry, including whether there even was a third entry.

Hurley's inconsistent testimony is insufficient to create a genuine dispute of material fact about her seizure claim. Hurley's interrogatory answers fail to identify Detective Bartolomei as the one who questioned her, and there is nothing else in the record to support the claim that he interrogated Hurley and the residents. And even if he did, the only argument that the plaintiffs put forth as to why such questioning would be unlawful is that Hurley "had a right to remain silent during [this] criminal investigation, and to be so warned before being interrogated." But they make no developed argument that a reasonable person would understand that they were "not free to decline the officers' requests or otherwise terminate the encounter," such that this questioning amounted to a seizure. Bostick, 501 U.S. at 439. And to the extent the plaintiffs argue that Hurley was entitled to a Miranda warning, they likewise fail to develop any argument that

she was in custody. See Miranda v. Arizona, 384 U.S. 436 (1966); Padson v. City of Peabody, 417 F.3d 225, 227 (1st Cir. 2005) (explaining that an individual who is "not 'in custody' at the time of the questioning . . . [is] not entitled to Miranda warnings"). Ultimately, they offer no persuasive argument about why it would be objectively unreasonable, given the circumstances, for law enforcement to inquire about Catanese's location.⁹ As a matter of law, then, Hurley's seizure claim cannot succeed.

Thus, we affirm the district court's grant of summary judgment in favor of Detectives Bartolomei and Carpenter.

3. January 2020 Entries

Catanese and Skeffington challenge the district court's grant of summary judgment to Detective Capenter as to his entry, seizure of Skeffington, and search on January 23.¹⁰ The court

⁹ The plaintiffs argue that Detective Bartolomei's actions may still be deemed unlawful if undertaken in bad faith, relying on a case that does not involve the Fourth Amendment. (Citing Pheasant Ridge Assocs. Ltd. P'ship v. Burlington, 506 N.E.2d 1152, 1155 (Mass. 1987).) But "the subjective motivations of [an] individual officer[]" have "no bearing on whether a particular seizure is 'unreasonable' under the Fourth Amendment." Graham v. Connor, 490 U.S. 386, 397 (1989).

¹⁰ Officer Martin is a defendant, but the plaintiffs concede that her initial entry and search were lawful. The only action by Martin that the plaintiffs meaningfully contest is her interrogation of a resident who is not a party in this case. But the plaintiffs cannot show a violation of their constitutional rights based on the allegedly unlawfully seizure of another person. See Plumhoff v. Rickard, 572 U.S. 765, 778 (2014) ("Fourth Amendment rights are personal rights which may not be vicariously asserted." (citation modified)). Thus, we affirm the district court's grant of summary judgment to Martin.

rejected the claims against Carpenter on qualified immunity grounds. See Hurley, 786 F. Supp. 3d at 284. Under the qualified immunity standard, "officers are immune from suit under § 1983 unless '(1) they violated a federal statutory or constitutional right, and (2) the unlawfulness of their conduct was clearly established at the time.'" Hill v. Walsh, 884 F.3d 16, 21 (1st Cir. 2018) (quoting District of Columbia v. Wesby, 583 U.S. 48, 62-63 (2018)).

Catanese and Skeffington begin by challenging the ruling as to Detective Carpenter's entry. They argue that because Officer "Martin had already conducted a reasonable search, and interviewed both Skeffington and [the resident who called 911]," any emergency had ended before Carpenter arrived on the scene and thus his entry could not be justified by the emergency aid exception. The district court concluded that, under the first prong of the qualified immunity standard, Carpenter's entry was legal because he arrived soon after Martin, the overdose victim (Plante) was still at Genesis House at the time, and the residents had consented to Martin's entry. See Hurley, 786 F. Supp. 3d at 283. In denying the plaintiffs' motion for reconsideration, the court also held that their claims would fail at the second prong in any event, because the plaintiffs "cite[d] no controlling precedent clearly establishing that a consent-based or exigent entry becomes unlawful merely because a second officer arrives shortly after or

because a brief amount of time passes following the original 911 call."

On appeal, the plaintiffs do not develop any argument that the district court erred in its legal analysis or assessment of the undisputed summary judgment record. As the court explained, that record indicated that Plante was transported to the hospital about five minutes after Detective Carpenter's arrival. See Hurley, 786 F. Supp. 3d at 281. The plaintiffs do not point to any evidence in the record that indicates otherwise, and Skeffington even admitted that she does not know when Carpenter arrived. And on that timeline, it was objectively reasonable for Carpenter to believe that there was still an individual in need of emergency aid at Genesis House when he entered. See Giambro, 126 F.4th at 54-55.

Next, Skeffington asserts that she was unlawfully seized, because she was required to stay at Genesis House while Detective Carpenter questioned her about "where [Plante] got his drugs, specifically whether it was from . . . Catanese." The district court rejected these arguments, concluding that it was "objectively reasonable" and "consistent with the exigency" for Carpenter to "ask[] questions about which drugs were ingested and from whom they came." Hurley, 786 F. Supp. 3d at 284. And as the court noted, "an 'officer's subjective motivation is irrelevant'

in the Fourth Amendment's emergency aid analysis." Id. (quoting Stuart, 547 U.S. at 404).

Once again, the plaintiffs offer no developed argument as to why Carpenter's questions were objectively unreasonable, nor do they grapple with the district court's decision. We therefore decline to disturb the dismissal of Skeffington's seizure claim. See Best Auto Repair Shop, Inc. v. Universal Ins. Grp., 875 F.3d 733, 736-37 (1st Cir. 2017) (finding challenge to ruling dismissing federal claim on summary judgment waived because the appellants did not address the district court's "substantial analysis" in their opening brief); Díaz-Colón v. Fuentes-Agostini, 786 F.3d 144, 149 (1st Cir. 2015) (affirming denial of summary judgment because the appellants' opening brief offered "conclusory assertions" and "fail[ed] to develop any argument . . . for why the district court erred").

Skeffington and Catanese also argue that Detective Carpenter conducted an unlawful search because Officer Martin had already completed a protective sweep. The district court held, however, that the plaintiffs "present[ed] no evidence that Carpenter conducted a second search," and we agree. Hurley, 786 F. Supp. 3d at 284. In their opening brief, the plaintiffs do not point to any record evidence of a second search by Carpenter; they point only to a subsequent search by the MSP troopers. Thus, we affirm the district court's ruling on this claim. See

Besosa-Noceda v. Torres, 164 F.4th 19, 27 (1st Cir. 2026) (affirming summary judgment to the defendants on a § 1983 malicious prosecution claim because the plaintiff "point[ed] to no evidence" and only to "unsupported conjecture").

B. Conspiracy Claim

Finally, we turn to Catanese's state law civil conspiracy claim against Detectives Bartolomei and Carpenter. Massachusetts recognizes two forms of civil conspiracy: "concerted action" and "power of coercion." Thomas v. Harrington, 909 F.3d 483, 490 & n.8 (1st Cir. 2018). Catanese appears to base his conspiracy claim on the first theory. Under that theory, "liability is imposed on one individual for the tort of another." Id. at 490 (quoting Kurker v. Hill, 689 N.E.2d 833, 836 (Mass. App. Ct. 1998)). "[T]his type of civil conspiracy requires an underlying tort and the conspiracy consists in agreeing to, or assisting in, this underlying tort." Id. (citation modified) (quoting Taylor v. Am. Chemistry Council, 576 F.3d 16, 35 (1st Cir. 2009)).

To succeed on this claim, Catanese would have to show that Detectives Bartolomei and Carpenter "either (1) acted 'in concert with or pursuant to a common design with' the tortfeasor or (2) 'gave substantial assistance to' the tortfeasor's conduct." Id. (quoting Kyte v. Philip Morris Inc., 556 N.E.2d 1025, 1027 (Mass. 1990)). Catanese claims that the officers acted together

to repeatedly unlawfully search the house for incriminating evidence and threaten the residents to cooperate with their investigations. He also contends that Bartolomei's December 4 phone call threatening to put him out of business was tortious.

Even viewing the record in the light most favorable to Catanese, however, he has failed to point to an underlying tort. The district court granted summary judgment on each underlying tort claim, and Catanese does not meaningfully challenge the court's ruling on those claims. See supra note 5. Thus, we conclude that Catanese's conspiracy claim must fail as a matter of law. See Finamore v. Miglionario, 15 F.4th 52, 62 (1st Cir. 2021) (affirming summary judgment to defendants on civil conspiracy claim because "[w]ithout an underlying tort, there can be no actionable civil conspiracy").

IV. CONCLUSION

For all these reasons, we **affirm** the district court's rulings granting summary judgment to the defendants.