

# United States Court of Appeals For the First Circuit

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No. 21-1588

UNITED STATES,

Appellee,

v.

MATTHEW MURPHY,

Defendant - Appellant.

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Before

Barron, Chief Judge,  
Gelpí and Montecalvo, Circuit Judges.

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## JUDGMENT

Entered: December 11, 2023

Defendant Matthew Murphy, who entered an unconditional guilty plea to the counts of conviction, challenges a pre-plea ruling of the district court denying the disqualification of the entire United States Attorney's Office for the District of Massachusetts from handling defendant's criminal case. The government moves for summary disposition of the appeal, which defendant has opposed. Having carefully considered the parties' submissions and the record, we grant the government's motion and summarily affirm the district court.

As this court regularly has confirmed, "[i]t is well-established that an unconditional guilty plea results in the waiver of errors preceding the plea." United States v. Castro-Vazquez, 802 F.3d 28, 32-33 (1st Cir. 2015), citing Tollett v. Henderson, 411 U.S. 258, 267 (1973) ("When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea."). While defendant argues that the district court's disqualification ruling was "without prejudice" and thus "open to reconsideration," defendant misunderstands that the disqualification issue did not remain open to reconsideration after his unconditional guilty plea. See United States v. Cordero, 42 F.3d 697, 699 (1st Cir. 1994) (unconditional guilty plea waives non-jurisdictional issues preceding the plea).

Even putting aside any waiver issues, defendant's disqualification argument lacks merit. The disqualification of an entire U.S. Attorney's Office is a "'drastic measure'" and "rarely -- if ever" appropriate. See United States v. Bolden, 353 F.3d 870, 875 (10th Cir. 2003). Defendant has not shown that disqualification of the assigned prosecutor was warranted, let alone the entire U.S. Attorney's Office. Moreover, defendant does not argue any prejudice or suggest that he might have received a lower sentence if a different U.S. Attorney's Office had handled his case.

The judgment of the district court is affirmed. See 1st Cir. R. 27.0(c).

By the Court:

Maria R. Hamilton, Clerk

cc:

Karen A. Pickett

Matthew Murphy

Donald Campbell Lockhart

Anne Paruti