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United States District Court,  
 D. Connecticut.  
 Chukwuma E. AZUBUKO, plaintiff  
 v.  
 BOSTON POLICE OFCR et al., defendants.  
 No. 3:09-cv-566 (CFD).

July 1, 2009.

CHukwuma E. Azubuko, Boston, MA pro se.

**RULING DENYING MOTION FOR RECONSIDERATION**

CHRISTOPHER F. DRONEY, District Judge.

\*1 Pending is Chukwuma Azubuko's motion for reconsideration of the Court's ruling dismissing his complaint on the basis of improper venue and lack of personal jurisdiction [Dkt. # 6]. Although the Court did not elaborate on the additional bases for its ruling, the complaint was dismissed pursuant to 28 U.S.C. § 1915(e)(2), which provides with respect to an action filed *in forma pauperis* that

the court shall dismiss the case at any time if the court determines that-

- (A) the allegation of poverty is untrue; or
- (B) the action or appeal-
  - i) is frivolous or malicious;
  - ii) fails to state a claim on which relief may be granted; or
  - iii) seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2).

This is not the first time that Azubuko, a Massachusetts resident, has abused the federal courts' process and improperly filed an action outside the District of Massachusetts despite the complete lack of any connection between the allegations or the parties to the place of filing, nor is it the first time Azubuko has abused the resources of the federal judiciary with frivolous filings. *See, e.g., Azubuko v. Liberty Mut. Ins. Co.*, No. 1 09-CV-6, 2009 WL 197366 (D.Vt. Jan. 23, 2009); *Azubuko v. MBNA America Bank*, 396 F.Supp.2d 1- (D.Mass.2005) ("Within the federal courts of the United States, plaintiff has filed or appealed more than one hundred actions."); *Azubuko v. Sandofsky*, 08-CV-1676 (DLI)(LB), 08-CV-1677 (DLI)(LB), 2008 WL 1991091 at \*2 (E.D.N.Y. May 5, 2008) (noting that Azubuko has filed a "total of 233 actions nationwide in various federal district and appellate courts."); Azubuko is under filing restrictions in the District of Massachusetts as a result of his abuses of that district's process a standing order in that district prohibits him from filing actions without leave of the court and automatically dismisses any actions transferred to the District of Massachusetts from other districts in which Azubuko improperly files actions. *See Liberty Mut. Ins. Co.*, 2009 WL 197366. Nevertheless, Azubuko continues to seek a forum in which to litigate new causes of action despite the complete lack of basis for either jurisdiction or venue in the new forum. He has been warned by several courts, including the Second Circuit, that frivolous litigation will not be tolerated. *See, e.g., Azubuko v. Giorlandino*, No. 99-7337, 2000 WL 553184 at \*1 (2d Cir. May 2, 2000).

Ordinarily, courts should grant leave to *pro se* plaintiffs, at least once, to amend their complaints. If repleading would be futile, however, courts should refrain from granting leave to amend. *Sandofsky*, 2008 WL 1991091 at \*2 (citing *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir.2000)). There

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is no indication that any amendment of Azubuko's complaint would suffice to overcome its deficiencies of venue and personal jurisdiction. Furthermore, in light of Azubuko's extensive litigation history, his abuse of judicial resources, the frivolous and vexatious nature of his lawsuits (including this one), and his continued efforts to evade the orders of the District of Massachusetts and the warning of the Second Circuit by filing complaints in improper venues, the Court cannot conclude that this action was filed in good faith. Accordingly, the Court declines to afford the plaintiff leave to amend and declines to transfer the case to the District of Massachusetts.

\*2 For the foregoing reasons, the motion for reconsideration is denied.

SO ORDERED.

D.Conn., 2009.  
Azubuko v. Boston Police Ofcr  
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