

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RICARDO MIQUEL  
ZEFERINO BARBOSA,  
Plaintiff,

v.

CIVIL ACTION NO. 14-13439-ADB

COMMONWEALTH OF MASSACHUSETTS,  
et al.,  
Defendants.

REPORT AND RECOMMENDATION ON  
MOTION FOR NEW TRIAL (#139).

KELLEY, U.S.M.J.

This motion has plainly been misfiled. The caption reflects that it relates to a criminal case, *Commonwealth v. Ricardo Barbosa*, docket no. 1482-NOCR 0443, in the Norfolk Superior Court in the Commonwealth of Massachusetts. It seeks relief, to wit, a new trial in a state criminal case, that cannot be afforded by the federal court in a civil case. Lastly, the motion is incomplete as it ends in the middle of a sentence on page ten.

For these reasons, I RECOMMEND that the Motion for a New Trial (#139) be DENIED.

Review by District Court Judge.

The parties are hereby advised that any party who objects to this recommendation must file specific written objections with the Clerk of this Court within 14 days of the party's receipt of this Report and Recommendation. The objections must specifically identify the portion of the recommendation to which objections are made and state the basis for such objections. The parties are further advised that the United States Court of Appeals for this Circuit has repeatedly indicated

that failure to comply with Rule 72(b), Fed. R. Civ. P., shall preclude further appellate review. *See Keating v. Secretary of Health & Human Servs.*, 848 F.2d 271 (1st Cir. 1988); *United States v. Emiliano Valencia-Copete*, 792 F.2d 4 (1st Cir. 1986); *Scott v. Schweiker*, 702 F.2d 13, 14 (1st Cir. 1983); *United States v. Vega*, 678 F.2d 376, 378-379 (1st Cir. 1982); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603 (1st Cir. 1980); *see also Thomas v. Arn*, 474 U.S. 140 (1985).

March 31, 2017

/s / M. Page Kelley  
M. Page Kelley  
United States Magistrate Judge