

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
JASON LATIMORE,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	14-13481-FDS
)	
JOHN HOULE, WILLIAM GROSSI,)	
and VINCENT POON,)	
)	
Defendants.)	
_____)	

ORDER ON PLAINTIFF’S MOTION FOR RECONSIDERATION

SAYLOR, J.

This action arises out of an alleged attack on a prisoner by a correctional officer at the Massachusetts Correctional Institution at Norfolk (“MCI-Norfolk”). Plaintiff has moved for reconsideration of this Court’s denial of two motions for sanctions, Docket Nos. 363 and 372. In those motions, plaintiff requested that the Court sanction defendants for failing to provide copies of video footage of the alleged assault. The Court denied those motions on March 14, 2018.

Plaintiff has since filed a multitude of motions concerning this same issue, which were already addressed by the Court. *See* Docket Nos 394, 396, 410, 421, 422, 424, 427, 428, and 431. He has also filed another motion for reconsideration, Docket No. 452.

Plaintiff is free to elicit evidence at trial that the security monitoring equipment in or near his cell the day of the alleged assault was fully operational and to argue to the jury, if there is a factual basis for it, that defendants intentionally destroyed the recording. However, in the absence of any evidence suggesting that spoliation occurred, the Court will not sanction defendants. Accordingly, the motion for reconsideration is DENIED.

So Ordered.

Dated: May 2, 2018

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge