

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 17-10906-GAO

PAUL F. SHEDLOCK,
Plaintiff,

v.

KENNETH CHOLETTE and DAVID REGO,
Defendants.

ORDER

January 7, 2019

O'TOOLE, D.J.

The plaintiff's Motion for Relief from Judgment (dkt. no. 39) pursuant to Federal Rule of Civil Procedure 60(b)(6) is DENIED. To the extent the plaintiff seeks reconsideration of this Court's Opinion and Order dated September 17, 2018, dismissing Kenneth Cholette from this action, the plaintiff has not shown exceptional circumstances justifying relief. See Karak v. Bursaw Oil Corp., 288 F.3d 15, 19 (1st Cir. 2002); see also Palmer v. Champion Mortg., 465 F.3d 24, 30 (1st Cir. 2006). To the extent the plaintiff seeks to amend his complaint, he makes the request almost one and one half years into the litigation, ten months after the defendants filed their motion to dismiss, and after the Court ruled on the motion. Further, he does not articulate what additional facts he could allege to adequately state a claim against Cholette. The Court notes that the plaintiff attempted to incorporate into his opposition to the defendants' motion to dismiss facts not included in his complaint, and even if the Court were to consider those additional facts in connection with his motion to amend, the plaintiff's request would be futile.¹

¹ Although *pro se* parties are generally afforded a degree of solicitude, the plaintiff is no stranger to this court. See, e.g., Shedlock v. O'Brien (Civil Action No. 16-12152); Shedlock v. Spencer

The plaintiff's related Second Request for Temporary Restraining Order (dkt. no. 32), directed largely at alleged behavior by Cholette, is likewise DENIED for failure to show a likelihood of success on the merits.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge

(Civil Action No. 11-11603); Shedlock v. Mass. Dep't of Corr. (Civil Action 10-11249); Shedlock v. Dolan (Civil Action No. 08-11969); Shedlock v. Massachusetts (Civil Action No. 06-10682).