

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Steven J. Beaudette,
Plaintiff

v.

Case No. 11-cv-570-SM

Bank of America Corporation
and Bank of America, N.A.,
Defendants

NOTICE OF RULING

Re: Document No. 14, Defendants' Motion to Dismiss

Ruling: Granted. Plaintiff has not objected or otherwise responded to the motion to dismiss. In addition, it appears that the removed complaint fails to state a cause of action upon which relief can be granted. Plaintiff seeks an order enjoining the defendant bank from foreclosing on his property "until complaint has gone through the courts." Plaintiff filed two complaints, each of which was removed to this court. In the related case, No. 11-cv-569-JD, plaintiff sued the same defendant bank for intentional infliction of emotional distress, based on the identical facts alluded to here. Judgment was entered in favor of the defendant in that case on January 19, 2012. That judgment precludes litigation in this case of the same issue raised there, or any issues that could have been litigated in that case. As there appears to be no cognizable claim asserted by plaintiff in this case, either legal or factual, the complaint must be dismissed. So ordered.

Entered by: Steven J. McAuliffe, United States District Judge

Date: February 7, 2012

cc: Steven J. Beaudette, pro se
Christopher J. Somma, Esq.