

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRESteven J. Roy

v.

Civil No. 12-cv-303-JD

William Wrenn, et al.O R D E R

Steven J. Roy has filed a motion to reconsider the order, dated February 13, 2013, granting, in part, his prior motion for reconsideration. In support, Roy apologizes for the lateness of his objection to the report and recommendation and argues that the court misapprehended his claims. The defendants object.

In his motion for reconsideration, Roy argues that the persistence of rumors of his past misuse of computers constituted retaliation against him by the defendants that resulted in civilian staff refusing to hire him. He also argues that the disciplinary measures imposed on him by Major Fouts were the result of the computer misuse rumor, not because he was found to have contraband.<sup>1</sup> He contends that both were retaliation.

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<sup>1</sup>Roy disputes the court's interpretation of a disciplinary report that refers to "MAJOR". Although Roy's interpretation appears to be correct, that difference does not change the outcome.

Roy does not explain why the defendants allegedly retaliated against him but refers to "CLAIM #1" in his amended complaint. In Claim 1, Roy alleges retaliation because of his successful lawsuit, apparently referring to Roy v. Stanley, No. 02-cv-555-JD ("Roy II"), which settled in 2005. Roy provides no plausible factual basis to support an inference of retaliation against him because of his success in Roy II or in any of his prior litigation. Therefore, he provides no basis to reconsider his retaliation claim to include these additional theories.

In addition, Roy challenges the determination that he did not state a cognizable negligence claim. He argues that he provided factual allegations to support his negligence claim, but the paragraphs he cites, paragraphs 48 and 49, pertain to the hearing on charges of sexual misconduct. Therefore, Roy provides no basis to reconsider that determination.

#### Conclusion

For the foregoing reasons, the plaintiff's motion for reconsideration (document no. 30) is denied.

SO ORDERED.

  
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Joseph A. DiClerico, Jr.  
United States District Judge

March 11, 2013

cc: Steven J. Roy #68033  
Nancy J. Smith, Esquire