

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CHUKWUMA E. AZUBUKO,)
)
 Plaintiff,)
)
 v.) 1:06-cv-00152-JAW
)
 DEDHAM MASSACHUSETTS)
 POLICE COMMISSIONER,)
 et al.,)
)
 Defendants.)

ORDER DENYING PLAINTIFF’S MOTION FOR RECONSIDERATION

On June 7, 2011, the Court dismissed Chukwuma E. Azubuko’s Motion to Amend Judgment. *Order on Mot. to Am. J.* (Docket # 12). On June 16, 2011, Mr. Azubuko moved for reconsideration of the Order. *Pl.’s Mot. for Recons. of Rule 60 Mot.* (Docket # 13).

The Court denies Mr. Azubuko’s motion. First, Mr. Azubuko has failed to meet the standard for reconsideration of an Order under Rule 60; to succeed, the movant must “demonstrate that newly discovered evidence (not previously available) has come to light or that the rendering court committed a manifest error of law.” *Palmer v. Champion Mortg.*, 465 F.3d 24, 30 (1st Cir. 2006); *Global Naps, Inc. v. Verizon New England, Inc.*, 489 F.3d 13, 25 (1st Cir. 2007). Mr. Azubuko has done neither.

Second, Mr. Azubuko takes nothing from *Agostini v. Felon* in which the Supreme Court concluded that it may be appropriate to grant a Rule 60(b)(5)

motion if the party seeking the relief from an injunction or consent decree can show a significant change in factual conditions or in law. 521 U.S. 203, 215 (1997). *Agostini* merely stands for the non-controversial proposition that “[a] court may recognize subsequent changes in statutory or decisional law.” *Id.* Mr. Azubuko has made no showing that the Court’s earlier rulings have been superseded by evolving statutory or decisional law. *Agostini* is not on point.

Third, Mr. Azubuko continues to insist that jurisdiction and venue exist for a federal trial court in the District of Maine to resolve an action by a Massachusetts resident against a Massachusetts Police Department over an incident that took place in Massachusetts. The Court has repeatedly ruled and rules one last time that Mr. Azubuko has not shown a basis for this Court’s assertion of jurisdiction over his cause of action or, if jurisdiction exists, a basis to conclude that venue in this District is proper.

The Court DENIES Chukwuma E. Azubuko’s Motion for Reconsideration (Docket # 13).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 20th day of June, 2011

Plaintiff

CHUKWUMA E AZUBUKO

represented by **CHUKWUMA E AZUBUKO**
PO BOX 1351
BOSTON, MA 02117-1351
(617) 265-6291

PRO SE

Plaintiff

PRECIOUS OKEREKE

represented by **PRECIOUS OKEREKE**
PO BOX 1351
BOSTON, MA 02117-1351
PRO SE

V.

Defendant

**DEDHAM MASSACHUSETTS
POLICE COMMISSIONER**

Defendant

**PARKWAY TOWING, OWNER
OF**