

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

THADDEUS TAYLOR :
 :
 v. : PRISONER
 : Case No. 3:05CV747 (DJS)
 :
 RHODE ISLAND DEPARTMENT :
 OF CORRECTION, et al. :

RULING AND ORDER

On July 22, 2005, the court dismissed this action under the prior pending action doctrine. Plaintiff seeks reconsideration of that ruling. He contends that the court mischaracterized the claims in the two cases.

The standard for granting a motion for reconsideration is strict. See Schrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995). Such a motion generally will be denied unless the "moving party can point to controlling decisions or data that the court overlooked-matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." Id. The function of a motion for reconsideration thus is to present the court with an opportunity to correct "manifest errors of law or fact or to consider newly discovered evidence" LoSacco v. City of Middletown, 822 F. Supp. 870, 876-77 (D. Conn. 1993) (quoting Rothwell Cotton Co. v. Rosenthal & Co., 827 F.2d 246, 251 (7th Cir. 1987)), aff'd, 33 F.3d 50 (2d Cir. 1994).

In reaching its decision, the court carefully reviewed the amended complaints filed in the two cases, Taylor v. Connecticut Department of Correction, et al., No. C.A. 05-118T ("the Rhode Island case"), and this case. The defendants named in the amended complaint in this case are Rhode Island Department of Correction, State of Rhode Island, A.T. Wall, Joyce Fox, Patricia Coyne-Fague, Joseph Dinitto, James Weeden, Donna Collins, Counselor Amaral, Counselor Folan, Arnold Anderson, B. Headen, Lt. Getter, Lt. William Galligan, Lt. Doyle, Lt. Avila, C/O Manning, C/O Simpson, C/O Pierce, C/O Howard, C/O Brouillett, C/O E. Renshaw, C/O Renshaw, C/O Woods, C/O McCrea, C/O Blain, C/O Calise, C/O Worden, C/O Pasela, Jake Gadsden, Donald Carcieri, M. Jodi Rell, Theresa Lantz, Lynn Milling, Fred Levesque, Brian Garnet, Steven Strom, Dennis Jones, Brian Murphy, Mary Johnson, Robert Cutlow, Alan Aldrich, Inspector Langlois, James Dzurenda, Kevin Sullivan, Connecticut Department of Correction, State of Connecticut, and various John Does. Sixteen of these defendants, Connecticut Department of Correction, State of Connecticut, State of Rhode Island, Rhode Island Department of Correction, Theresa Lantz, James Dzurenda, Dennis Jones, Brian Murphy, Fred Levesque, Mary Johnson, M. Jodi Rell, Lynn Milling, Steven Strom, A.T. Wall, Jake Gadsden and Joseph Dinitto, are defendants in the Rhode Island case.

In his motion for reconsideration, Taylor states that this

case challenges his conditions of confinement in Rhode Island, while the Rhode Island case concerns a retaliatory transfer and a contract dispute regarding the Interstate Corrections Compact.

While plaintiff does assert a claim of retaliatory transfer in the Rhode Island case, he also alleges, on pages 5 through 6, that he

was subjected to unnecessary risk of harm, denial of access to the courts, denial of access to his legal case files, disallowed to telephonically contact his attorney(s) on unmonitored phone lines and placed in 'segregation' and denied showers, recreation, and his religious materials among other things. he was denied due process of the law. The plaintiff also claims that he was subjected to cruel and unusual punishment and "unsafe" living conditions as a result of the "de facto policies," and policies and procedures of daily operations within RI-DOC. The plaintiff also claims that he as the victim of racial discriminatory practices by the RI-DOC while in their custody. The CT-DOC defendants failed to immediately correct the situation after being adequately advised. The plaintiff also claims that the RI-DOC defendants did deprive him of usage of his personal property and forced him to pay high telephone bills as a result of their illegal and unconstitutional agreement with a private telephone service.

The plaintiff Thaddeus Taylor claims that the defendants actions caused him to suffer, pain and suffering, lose family ties, unable to adequately prepare for re-entry into society and community ties. Lost of sleep, mental anguish, physical injuries, nightmares, fear, embarrassment, humiliation, lost of career, educational opportunities, poor health, adverse legal decisions and his inability to access the courts and intentional infliction of emotional distress-all in violation of the plaintiff

constitutional rights under the First, Fourth, Fifth, Sixth, Eight and Fourteenth Amendments of the U.S. Constitution as well in violation of CT State law and RI State law.

Taylor includes five causes of action in the Rhode Island case. The first cause of action concerns retaliatory transfer. The second cause of action concerns his claims of denial of access to the courts, denial of access to his legal case files, denial of the right to use his personal property, denial of access to Connecticut case law and statutes, denial of the right to speak to his attorney, denial of the right to communicate with his family and his community. The third cause of action concerns unsafe living conditions, racial discriminatory practices, denial of due process and equal protection of the law, inadequate medical, dental and mental health care, denial of adequate protection from harm and denial of the right to practice his religious faith. The fourth cause of action challenges the segregation unit and the procedure for confining prisoners in that unit. Plaintiff contends that the practices deprive inmates of due process and that the conditions in segregation violate his right to showers, recreation and religious materials. The fifth cause of action challenges the telephone arrangements and the requirement that inmates make legal calls to their attorneys on the same monitored telephones used to call family and friends.

Thus, despite plaintiff's protestations to the contrary, the

Rhode Island case includes nearly all of the claims included in this case. Although plaintiff has increased the number of defendants and elaborated on some of the claims, this is insufficient to warrant duplicative litigation. "[N]either the addition of defendants nor the expansion of claims is dispositive [to the court's decision to dismiss a suit due to a prior pending action]. Courts have repeatedly ruled that 'parties and issues need not be identical in order for one action to be stayed or dismissed in deference to an earlier action.'" Dragon Capital Partners L.P. v. Merrill Lynch Capital Servs. Inc., 949 F. Supp. 1123, 1127 (S.D.N.Y. 1997) (quoting Caspian Invs., Ltd. v. Vicom Holdings, Ltd., 770 F. Supp. 880, 884 (S.D.N.Y. 1991)). "As between federal district courts, . . . the general principle is to avoid duplicative litigation". Colorado River Water Conservation Dist. v. United States, 424 U.S. 800, 817 (1976).

Accordingly, plaintiff's motion for reconsideration [**doc. #14**] is **GRANTED** but the relief requested is **DENIED**.

SO ORDERED this 25th day of August, 2005, at Hartford, Connecticut.

/s/DJS

Dominic J. Squatrito
United States District Judge