

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ROBERT JACKSON, :
 :
 Plaintiff, :
 : PRISONER
 v. : 3:00-CV-904(RNC)
 :
 WATERBURY POLICE DEP'T, :
 ET AL., :
 :
 Defendants. :

RULING AND ORDER

Treating plaintiff's motion for reconsideration (Doc. # 55) as a motion to reopen the judgment, the motion is denied for substantially the reasons stated by defendants in their memorandum in opposition (Doc. # 56).

Plaintiff filed this action in May 2000, alleging that he was subjected to a vicious assault by the defendants in February 1999. The case essentially languished for years. Finally, on March 15, 2004, the action was dismissed, primarily because plaintiff had failed to attend his deposition as duly noticed and ordered, despite repeated attempts by defense counsel to get his cooperation.

In his motion for reconsideration, which was filed on June 14, 2004, plaintiff states that, for "several months" preceding the filing of the motion, he was incarcerated, had no contact with his family, and got no mail. This provides no basis for reopening because, as defendants correctly point out, it does not

explain plaintiff's persistent failure to respond to communications from defense counsel (and the court) before then, which is what resulted in the dismissal.

Plaintiff states that he has tried to obtain counsel and that such representation is now possible. But he provides no letter or other statement from a lawyer stating that if the case is reopened the lawyer will appear. In the absence of such evidence, the court has no assurance that reopening the case will result in its prosecution to a decision on the merits.

Accordingly, the motion is hereby denied without prejudice. If in fact plaintiff does have a lawyer, or is able to retain one, the court will consider a renewed motion to reopen the case, provided the lawyer enters an appearance for plaintiff and files the motion on plaintiff's behalf or before December 31, 2004. Otherwise, the case will not be reopened.

So ordered.

Dated at Hartford, Connecticut this 25th day of November 2004.

Robert N. Chatigny
United States District Judge