UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

SEBASTIAN WELLS ATRYZEK,　　)
　　　Plaintiff,　　　　　　　　)
　　　　　　　　　　　　　　　　　)
　　　　　　　　　　　　　　　　　)
　　v.　　　　　　　　　　　　　　)
　　　　　　　　　　　　　　　　　)　　C.A. No. 22-CV-349-JJM-PAS
PETER NERONHA, Rhode Island　　)
Attorney General, individually and in　)
his official capacity,　　　　　　　)
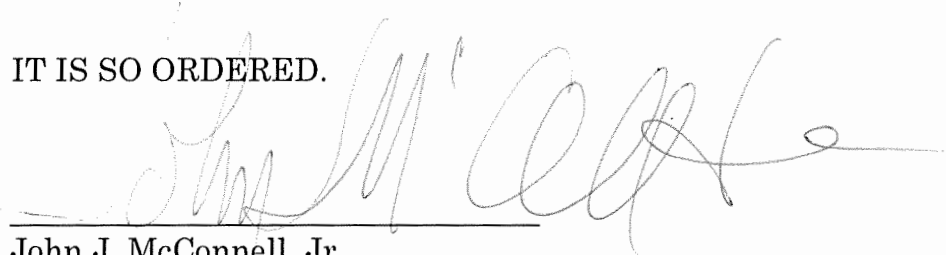　　　Defendants.　　　　　　　　)
　　　　　　　　　　　　　　　　　)

MEMORANDUM and ORDER

Sebastian W. Atryzek brought a section 1983 action under several constitutional amendments (First, Fifth, Eighth, and Fourteenth), along with a state-law claim, against the State of Rhode Island, its Attorney General's Office, its Department of Corrections, and the United States Marshals Service. The Defendants moved to dismiss. ECF Nos. 16, 20. Mr. Atryzek moved to amend (ECF Nos. 22, 24). The Court granted the Motion to Dismiss and denied the Motion to Amend, ECF No. 29, but granted leave for Mr. Atryzek to file an appropriate amended complaint. Mr. Atryzek filed a Second Amended Complaint, naming a single defendant, Peter Neronha, Rhode Island Attorney General, in his individual and official capacities. ECF No. 31. By Text Order dated April 24, 2023, the Court dismissed the Second Amended Complaint stating: "Plaintiff does not support his claim by identifying any actions, wrongful or otherwise, allegedly taken by Attorney General Neronha; instead, he simply asserts that Attorney General Neronha is liable to Plaintiff[ ]." Judgment entered for the Defendant. ECF No. 34. Mr. Atryzek now asks this Court

to reconsider its text order dismissing his case, ECF No. 35, and the State objects. ECF No. 36.

The Court correctly noted in its text order dismissing the case that Mr. Atryzek's Second Amendment Complaint fails to set forth any plausible facts in support of Attorney General Neronha' individual or official capacity liability and fails to set forth any wrongful acts by Attorney General Neronha. Thus, the Court DENIES Plaintiff's Motion for Reconsideration and reaffirms the judgment entered for the Defendant.

IT IS SO ORDERED.

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John J. McConnell, Jr.
Chief United States District Judge

May 25, 2023