

# United States Court of Appeals For the First Circuit

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No. 18-1534

LONNIE BERNARD DAVIS,

Plaintiff, Appellant,

v.

JOHN HANCOCK, Mutual Funds Accounts,

Defendant, Appellee.

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Before

Torruella, Thompson and Barron,  
Circuit Judges.

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## ORDER OF COURT

Entered: March 25, 2019

Pro se appellant Lonnie Davis seeks reconsideration of this court's Judgment entered on January 16, 2019. We construe the motion as a petition for panel rehearing; so construed it is denied. The motion for appointment of counsel is denied as moot. All other pending motions are denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

Lonnie B. Davis  
Anthony M. Moccia  
Caitlyn M. Bosworth

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## JUDGMENT

Entered: January 16, 2019

Pro se appellant Lonnie Davis has appealed the dismissal of his complaint against John Hancock. Hancock has moved for summary disposition. We grant the motion. John Hancock is not subject to the Freedom of Information Act and plaintiff has not plausibly alleged that he is a participant or beneficiary within the meaning of ERISA. See 29 U.S.C. § 1132(c)(1). Consequently, we affirm the district court's dismissal, pursuant to Rule 12(b)(6), of plaintiff's complaint.

By the Court:

Maria R. Hamilton, Clerk

cc:

Lonnie B. Davis  
Anthony M. Moccia  
Caitlyn M. Bosworth

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Lonnie Bernard Davis

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Plaintiff

CIVIL ACTION

v.

John Hancock

NO. 17cv10920-WGY

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Defendant

**ORDER OF DISMISSAL**

YOUNG DJ,

In accordance with the Court's allowance of the defendant's motion to dismiss on May 15, 2018, it is hereby ORDERED that the above-entitled action be and hereby is dismissed.

By the Court,

May 15, 2018

/s/Matthew A. Paine

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Date

Deputy Clerk

**Additional material  
from this filing is  
available in the  
Clerk's Office.**