

United States Court of Appeals For the First Circuit

No. 18-1534

LONNIE BERNARD DAVIS,

Plaintiff, Appellant,

v.

JOHN HANCOCK, Mutual Funds Accounts,

Defendant, Appellee.

Before

Torruella, Thompson and Barron,
Circuit Judges.

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

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**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Lonnie Bernard Davis

Plaintiff

V.

John Hancock

Defendant

CIVIL ACTION

NO. 17cv10920-WGY

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.

May 15, 2018

Date

By the Court,

/s/Matthew A. Paine

Deputy Clerk

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