

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

NICHOLAS PALMIGIANO

v.

C.A. NO. 74-172 L

DEPARTMENT OF CORRECTIONS ET AL.

MEMORANDUM AND ORDER

Senior United States Magistrate Judge Jacob Hagopian

Presently before the Court is a motion filed by Parrish Chase, *pro se*, an inmate at the Adult Correctional Institutions (“ACI”) in Cranston, Rhode Island to “Void and Vacate [the August 1, 2007] Stipulation Order; Compel and Investigation; Appoint Counsel; and Provide Video Conference” (Docket # 85). Inmate Chase alleges that the Department of Corrections has posted its own notification of the August 1, 2007 Stipulation Order, rather than the Court Order and contends that he is therefore unable to pursue his rights with respect to this case. However, for the reasons set forth below, the motion is DENIED.

In 1974, Nicholas Palmigiano instituted the above-referenced class-action on behalf of the ACI inmates complaining about the conditions at the ACI (the “Class Action”). A settlement agreement was entered into in the Class Action in 1994. On September 4, 2007, inmate Chase, seeking to intervene in the Class Action, filed a motion for leave to appeal the August 1, 2007 Stipulation Order, which amended the 1994 settlement agreement (Docket # 33). On September 12, 2007, Senior Judge Lagueux of this Court denied Chase’s motion, ruling that the Class Action was closed. (Docket # 37). Senior Judge Lagueux referred to his April 2007 opinion, *Palmigiano v. Sundlun*, 482 F.Supp.2d 207 (D.R.I. 2007), in which he had denied similar motions to intervene in the Class Action to object to amendments to the 1994 settlement agreement filed by fellow ACI inmates in 2006.

On September 24, 2007, Chase filed a notice of appeal regarding the denial of his motion (Docket # 55). On July 2, 2008, the First Circuit affirmed the denial, stating that “the [Class Action] is closed; thus, there is no pending case in which appellants can intervene. *Palmigiano v. Wall*, Nos. 07-2268 (1st Cir. July 2, 2008)(Docket # 78).

In the instant motion, inmate Chase once again seeks to intervene in the Class Action to complain about the August 1, 2007 Stipulation Order. As the First Circuit and Senior Judge Lagueux have made abundantly clear, this case is closed. Further, to the extent Chase seeks to reopen the case pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, he has not stated any extraordinary circumstances that would support such relief. Fed.R.Civ.P. 60(b); *see Palmigiano v. Department of Corrections*, No. 74-172, 2009 WL 455427 at *2 (D.R.I. Feb. 23, 2009). Accordingly, Chase's instant motion is DENIED.

IT IS SO ORDERED.

/s/ Jacob Hagopian
Jacob Hagopian
Senior United States Magistrate Judge
November 24, 2009