

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Roderick Webber

v.

Civil No. 18-cv-931-LM

Edward Deck, et al.

**O R D E R**

Roderick Webber, proceeding pro se, moves for reconsideration of the court's orders dismissing claims against No Labels, the Trump Organizations, President Donald J. Trump, the Trump Campaign, Edward Deck, and Fred Doucette. Defendants object to the motions for reconsideration.

Reconsideration of an order "is an extraordinary remedy which should be used sparingly." [Palmer v. Champion Mortg.](#), 465 F.3d 24, 30 (1st Cir. 2006) (internal quotation marks omitted). To succeed, a movant must "demonstrate that the order was based on a manifest error of fact or law . . . ." LR 7.2(d). Motions for reconsideration are not to be used as "a vehicle for a party to undo its own procedural failures or allow a party to advance arguments that could and should have been presented to the district court prior to judgment." [United States v. Allen](#), 573 F.3d 42, 53 (1st Cir. 2009) (internal quotation marks and brackets omitted).

Webber primarily faults the court for not examining videos referred to by title or by hyperlink in the thirty-two-page appendix to his complaint. He argues these videos support his assertion that No Labels, President Trump, the Trump Campaign, and the Trump Organizations can be held liable for an alleged assault by Manchester police officers and Edward Deck (an employee or agent of Donald J. Trump for President, Inc.). Specifically, he contends that the videos show that his assailants and agents of the defendants were all wearing radio communication headsets; therefore, it is reasonable to infer that defendants were exercising control over his assailants. Doc. nos. 157 at 5; 158 at 5.<sup>1</sup>

First, although the court did not review the videos, the court's orders on defendants' motions to dismiss explicitly analyzed the legal effect of defendants' use of radio communication headsets. The court credited Webber's allegation that defendants wore radio communication headsets but concluded that defendants' use of headsets did not render them liable for Webber's assault because "mere communications among unnamed defendants" does not support a reasonable inference that

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<sup>1</sup> Webber also argues that the court's reference in the background section to the uses of "megaphones" is error. The reference to "megaphones" appears to be a typographical error. The word should have been "microphones." In any case, the reference to "megaphones" is not material to any claim.

defendants were providing a “‘continuous proscription’ to the officers of what they should or should not do.” Doc. no. 155 at 12-13 (quoting [Dent v. Exeter Hosp., Inc.](#), 155 N.H. 787, 792 (2007)). Therefore, the videos do not add anything new for the court’s consideration.


Moreover, and as explained in the court’s orders on defendants’ motions to dismiss, the court did not consider the videos and other evidence referred to in Webber’s appendices because Webber did not provide the court with copies of this evidence. Doc. nos. 155 at 2 n.2; 156 at 2 n.2. The Local Rules concerning electronic filing establish that “[n]either a hyperlink, nor any site to which it refers, shall be considered part of the record.” Appendix A, LR 2.3(i).

In order to survive a motion to dismiss, the plaintiff must include sufficient factual material in his complaint to state a plausible cause of action. See [Ashcroft v. Iqbal](#), 556 U.S. 662, 678 (2009). A plaintiff may not shift the burden of searching for those facts to the court or opposing counsel. See [Currier v. Town of Gilmanton](#), No. 18-CV-1204-LM, 2019 WL 3779580, at \*3 (D.N.H. Aug. 12, 2019). Therefore, the court did not commit a manifest error of law in disregarding materials that Webber did not provide to the court.

The court has also considered Webber's other arguments in support of reconsideration and finds them to be meritless.

For these reasons, plaintiff's motions for reconsideration (doc. nos. 157 and 158) are denied.

SO ORDERED.



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Landya B. McCafferty  
United States District Judge

March 6, 2020

cc: Counsel and Pro Se Party of Record.