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# United States Court of Appeals For the First Circuit

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No. 02-1535

KEITH D. WASHINGTON,

Plaintiff, Appellant,

v.

STATE STREET BANK & TRUST CO., ET AL.,

Defendants, Appellees.

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APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Douglas P. Woodlock, U.S. District Judge]

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Before

Lynch, Lipez and Howard,  
Circuit Judges.

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Keith D. Washington on brief pro se.

Edward P. O'Leary and Fitzhugh, Parker & Alvaro LLP on brief  
for appellee, The Prudential Insurance Company of America.

Mary E. O'Neal and Masterman, Culbert & Tully LLP on brief for  
appellees, State Street Bank & Trust Co., and State Street Bank &  
Trust Company As Sponsor & Fiduciary of the Short and Long Term  
Disability Plan.

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January 31, 2003

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**Per Curiam.** Pro se appellant Keith Washington has a timely appeal solely with respect to a March 12, 2002 order denying Washington's motion for leave to file a summary judgment motion pursuant to Fed. R. Civ. P. 56(c). The motion at issue was filed over two years after summary judgment was granted in favor of defendants and the case was closed. The district court has denied repeated motions to reopen the case pursuant to Fed. R. Civ. P. 60(b). Under the circumstances, the motion for leave to file pursuant to Rule 56(c) was properly denied.

Affirmed.