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# United States Court of Appeals For the First Circuit

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No. 03-1376

ERICO DAVIAS,  
Plaintiff, Appellant,  
v.

SOCIAL SECURITY ADMINISTRATION, ET AL.,  
Defendants, Appellees.

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE  
[Hon. Paul J. Barbadoro, U.S. District Judge]

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Before  
Boudin, Chief Judge,  
Torruella and Selya, Circuit Judges.

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Erico Davias on brief pro se.  
Thomas P. Colantuono, United States Attorney, and T. David Plourde, Assistant U.S. Attorney, on brief for appellee Social Security Administration.

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December 24, 2003

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**Per Curiam.** The judgment is affirmed substantially for the reasons recited in the magistrate judge's Report and Recommendation dated January 22, 2003, which was subsequently adopted by the district judge. We add that neither below nor on appeal has plaintiff set forth "a general scenario which, if proven, would entitle [him] to relief against the defendant[s] on some cognizable theory." Hatch v. Dep't for Children, Youth & Families, 274 F.3d 12, 19 (1st Cir. 2001). See, e.g., Brown v. Newberger, 291 F.3d 89, 92 (1st Cir. 2002) (explaining why claims against state agency would fail); Monahan v. Dorchester Counseling Center, Inc., 961 F.2d 987, 994-95 (1st Cir. 1992) (concluding that Restatement of Bill of Rights for Mental Health Patients, 42 U.S.C. § 10841, "creates no enforceable federal rights") (footnote omitted). The district court thus did not abuse its discretion in denying plaintiff's request to amend his complaint on the ground of futility.

Affirmed.