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# United States Court of Appeals For the First Circuit

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No. 03-1521

DAVID E. BROWN,  
Plaintiff, Appellant,  
v.

MICHAEL T. MALONEY, ET AL.,  
Defendants, Appellees.

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Nathaniel M Gorton, U.S. District Judge]

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Before

Torruella, Circuit Judge,  
Stahl, Senior Circuit Judge,  
and Lynch, Circuit Judge.

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David E. Brown on brief pro se.  
Nancy Ankers White, Special Assistant Attorney General, and  
Kevin A. Anahory, Legal Division, Department of Correction, on  
brief for appellees.

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July 27, 2004

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**Per Curiam.** After carefully considering the briefs and record on appeal, we affirm for substantially the reasons stated by the district court. Among other considerations, the appellant failed to state a claim under the Americans with Disabilities Act and the Rehabilitation Act, 42 U.S.C. § 749; Parker v. Universidad de Puerto Rico, 225 F.3d 1, 4 (1<sup>st</sup> Cir. 2000). The court did not abuse its discretion in denying his second motion to amend his complaint. Mirpuri v. Act Mfg., Inc., 212 F.3d 624 (1<sup>st</sup> Cir. 2000).  
Affirmed. 1<sup>st</sup> Cir. R. 27(c).