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Citation Limited Pursuant to 1st Cir. Loc. R. 32.3

# United States Court of Appeals For the First Circuit

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Nos. 04-1212  
04-1605

BRIAN J. DASEY,  
Plaintiff, Appellant,  
v.

MASSACHUSETTS DEPARTMENT OF STATE POLICE, ET AL.,  
Defendants, Appellees.

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APPEALS FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
[Hon. Rya W. Zobel, U.S. District Judge]

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

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Brian J. Dasey on brief pro se.  
Thomas Reilly, Attorney General, and Matthew Q. Berge,  
Assistant Attorney General, on Memorandum in Support of Motion for  
Summary Disposition for appellees.

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October 28, 2004

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**Per Curiam.** In No. 04-1212, appellant Brian Dasey appeals from the district court's denial of his motions under Fed. R. Civ. P. 60(b), for reconsideration, and for sanctions. In No. 04-1605, he appeals from the denial of a second motion for reconsideration and a motion for leave to supplement his filings.

After careful review of the record and the parties' arguments, we affirm the judgments below, concluding that the district court did not abuse its discretion in denying Dasey's motions. We agree substantially with the reasoning in the district court's Memorandum of Decision dated January 29, 2004, and its March 2, 2004 endorsed order denying reconsideration. In addition, as appellees contend, Dasey may not use a Rule 60(b) motion to relitigate issues already decided by this court, Dasey v. Anderson, 304 F.3d 148, 151 (1st Cir. 2002), or to raise issues that might have been, but were not, asserted in prior court proceedings. 12 Moore's Fed. Prac. § 60.48[3][c], at 60-174.1 (3d ed. 2003) (confirming that a party's "[f]ailure to take advantage of an opportunity to litigate an issue precludes use of that issue to secure" Rule 60(b)(6) relief). Finally, Dasey's motions failed to establish the alleged "fraud on the court."

The judgments in the above appeals are affirmed. 1st Cir. Loc. R. 27(c).