

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW
HAMPSHIRE

**Richard W. Porter, et al. v. Framingham, Mass., Wakefield, Mass.,
and Wilmington, Mass.**

Porter · No. 25-cv-520-SM-AJ · Decided March 20, 2026

SUMMARY

A United States magistrate judge recommends dismissal of Richard W. Porter's amended pro se complaint under 28 U.S.C. § 1915(e)(2). The report concludes that the complaint fails to state a claim for relief against the named defendants and, alternatively, that venue is improper in the District of New Hampshire because the defendants and alleged events are connected to Massachusetts. The recommendation is dated March 20, 2026, and permits objections within fourteen days.

CASE DETAILS

COURT	United States District Court for the District of New Hampshire
WRITING FOR THE COURT	Andrea K. Johnstone
JURISDICTION	United States District Court for the District of New Hampshire
DECIDED	March 20, 2026
DOCKET	25-cv-520-SM-AJ
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on preliminary review of a pro se plaintiff's amended complaint filed in forma pauperis.
STANDARD OF REVIEW	On preliminary review of an in forma pauperis pleading, the court may recommend dismissal if the court lacks jurisdiction, a defendant is immune, or the complaint fails to state a claim. Pro se pleadings are construed liberally; well-pleaded factual allegations are accepted as true and reasonable inferences are drawn in the plaintiff's favor, but the complaint must contain sufficient factual matter to state a claim for relief.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the amended complaint stated a claim for relief against the named defendants.
2. Whether venue was proper in the District of New Hampshire.
3. Whether the case should be dismissed on preliminary review under 28 U.S.C. § 1915(e)(2).

HOLDINGS

1. The amended complaint failed to state a claim because it alleged no facts concerning Framingham or Wilmington, identified the alleged home-break-in perpetrator who was not a defendant, and supported the false-arrest allegation only with a conclusory assertion.
2. Venue was improper in the District of New Hampshire because neither the defendants nor the events underlying the complaint had a connection to New Hampshire.

KEY QUOTATIONS

“Mr. Porter’s Amended Complaint, even construed liberally, fails to state a claim for relief against any of the named defendants.” (Analysis § A)

“In this case, neither the defendants nor the events giving rise to Mr. Porter’s complaint have any connection to New Hampshire.” (Analysis § B)

FACTUAL BACKGROUND

Porter alleged that he was arrested by Wakefield, Massachusetts police in November 2020 after an individual broke into a home he owned in Wakefield and filed numerous criminal complaints against him. He also referenced a bankruptcy-related automatic stay and attached documents concerning the Wakefield property, but alleged no facts connecting the Towns of Framingham or Wilmington to actionable conduct. The person allegedly responsible for the break-in was not named as a defendant.

PROCEDURAL HISTORY

The court previously granted Richard Porter leave to amend his complaint to cure identified deficiencies. After Porter timely filed an amended complaint, the magistrate judge conducted preliminary review under 28 U.S.C. § 1915(e)(2) and recommended dismissal for failure to state a claim, or alternatively for improper venue, subject to objections under Federal Rule of Civil Procedure 72(b).

DISPOSITION

other

CASES CITED

- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Ocasio-Hernández v. Fortuño-Burset*, 640 F.3d 1, 12 (1st Cir. 2011)
- *Hart v. Rowe*, No. 20-cv-417-LM, 2021 WL 1581781, at *1 (D.N.H. Mar. 5, 2021), R&R adopted, 2021 WL 1581013 (D.N.H. Apr. 22, 2021)
- *Wilkinson v. Secretary, Florida Department of Corrections*, 622 F. App'x 805, 808-09 (11th Cir. 2015)
- *School Union No. 37 v. United National Insurance Co.*, 617 F.3d 554, 564 (1st Cir. 2010)
- *Santos-Santos v. Torres-Centeno*, 842 F.3d 163, 168 (1st Cir. 2016)

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