

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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: OSMUND W. LEVINESS, :
: :
: Plaintiff, :
: :
v. : Civil No. 3:99CV01647(AWT)
: :
MARK BANNON, et al. :
: :
: Defendants. :
: :
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ENDORSEMENT ORDER

The plaintiff's Motion for Reconsideration and Reargument [Doc. # 20] is hereby DENIED. The requirement, as stated in Village of Willowbrook v. Olech, 528 U.S. 562, 120 S.Ct. 1073 (2000), is *not* merely that the plaintiff alleged different treatment without a rational basis, as contended by the plaintiff at page 3 of his motion. Village of Willowbrook contemplates that the plaintiff will allege that he "has been *intentionally* treated differently from others similarly situated and that there is no rational basis for the difference in treatment." Id. at 1074 (emphasis added). Moreover, the Court explained that this standard is to be understood in the context of the fact that the equal protection clause protects individuals against "*intentional and arbitrary* discrimination." Id. at 1075 (emphasis added).

The allegations in the complaint do not constitute

specific, non-conclusory factual allegations that satisfy this standard. Therefore, even when the court applies the holding and the language from Village of Willowbrook to the complaint in this case, the complaint is deficient.

Accordingly, the plaintiff is granted leave to file an amended complaint within 30 days. No extensions will be granted.

It is so ordered.

Dated this 20th day of December, 2000, at Hartford, Connecticut.

Alvin W. Thompson
United States District Judge