

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 13-10564-GAO

CHRISTOPHER CAVOUNIS,
Plaintiff,

v.

JOHN CHIAZZESE,
Defendant.

ORDER
November 5, 2013

O'TOOLE, D.J.

This action arises out of the defendant's alleged failure to repay the plaintiff's loan. The plaintiff, Christopher Cavounis, is housed at the Federal Medical Center, Devens, in Ayer, Massachusetts. The defendant, John Chiazzese, resides in New York. The return of service filed by the plaintiff indicates that the defendant was served in hand in New York. The defendant moves to dismiss the Complaint for lack of personal jurisdiction, among other reasons. The plaintiff has not filed any opposition.

The plaintiff bears the burden of establishing that the exercise of personal jurisdiction over the defendant by this Court is proper. See Sawtelle v. Farrell, 70 F.3d 1381, 1387 (1st Cir. 1995) (citing McNutt v. Gen. Motors Acceptance Corp., 298 U.S. 178, 189 (1936)). Here the plaintiff alleges no jurisdictional facts and offers no basis for personal jurisdiction. As the plaintiff has failed to carry his burden, dismissal of the Complaint is appropriate.

For these reasons, the defendant's Motion to Dismiss (dkt. no. 8) is GRANTED. The Complaint is DISMISSED.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge