

Supreme Court

No. 2019-476-Appeal.
(PC 19-11126)

No. 2019-477-Appeal.
(PC 19-11127)

No. 2019-478-Appeal.
(PC 19-11128)

Henry Dobosz :
v. :
William Vieira et al. :

ORDER

The instant case arises as a result of a claim by the self-represented plaintiff, Henry Dobosz, that the defendants, William Vieira¹ and Judge John Gannon,² violated his civil liberties and constitutional rights when they (and/or their agents) entered onto, and ultimately condemned, his private property. This case came before the Supreme Court pursuant to an order directing the parties to show cause

¹ William Vieira was, at all times relevant to the instant case, the Director of Zoning and Code Enforcement for the City of Pawtucket.

² Judge John Gannon has served as a Municipal Court Judge in the City of Pawtucket since 2013. See <http://pawtucketri.com/municipal-courttraffic/meet-our-judges> (last visited June 16, 2021).

why the issues raised in this appeal should not be summarily decided. Having carefully scrutinized the papers filed with this Court, we are of the opinion that cause has not been shown and that the appeals may be resolved without further briefing or argument.

Mr. Dobosz was the owner of three houses located in Pawtucket, Rhode Island. Mr. Vieira, in his capacity as Director of Zoning and Code Enforcement for the City of Pawtucket, sent three letters dated November 6, 2019 (one letter for each property), advising Mr. Dobosz that a complaint had been filed with the Office of Zoning and Code Enforcement regarding “Unsafe/Unsanitary conditions” at each house. The letters, which were identical in all respects except for the addresses of the respective properties, also informed Mr. Dobosz that representatives of Mr. Vieira’s office had made several unsuccessful attempts to gain access to the properties “in order to verify th[e] complaint[s].”

On November 19, 2019, Mr. Dobosz filed three complaints in the Superior Court, alleging that employees of the City of Pawtucket had illegally entered onto his property in violation of “the Constitution [and] the Constitutional amendments,” as well as “the federal [and] state laws.”³ The three cases were

³ The complaints provide no specificity whatsoever as to what constitutional or statutory provisions were allegedly violated.

heard by a justice of the Superior Court on December 2, 2019.⁴ The following day, the hearing justice caused to be entered orders denying Mr. Dobosz's prayer for what the court considered to be a preliminary injunction. Mr. Dobosz appealed the Superior Court orders relative to each case, and those three appeals were consolidated by this Court.

On appeal, Mr. Dobosz submitted a five-page document that is identical in most respects to his complaints filed in the Superior Court. In that document, Mr. Dobosz avers that defendants violated his constitutional rights by illegally entering onto his property without permission. Mr. Dobosz further alleges that defendants violated his civil liberties and retaliated against him when they condemned his property.

We shall not address Mr. Dobosz's appellate arguments because this case is not properly before this Court. It is true that, pursuant to G.L. 1956 § 9-24-7, the *grant* of a preliminary injunction is appealable. *See Paramount Office Supply Co., Inc. v. D.A. MacIsaac, Inc.*, 524 A.2d 1099, 1101 n.1 (R.I. 1987). In contrast, however, "as a general rule[,] there is no appeal from the *denial* of a prayer for a preliminary injunction." *Oakley v. Wood*, 423 A.2d 1176, 1177 (R.I. 1981) (emphasis added). Rather, "[a] petition for common-law certiorari is the proper

⁴ We would note that no transcript relative to this case was ever ordered; accordingly, we have no record of what transpired at the Superior Court hearing.

method by which to seek review of the denial of a preliminary injunction.”
Paramount Office Supply Co., Inc., 524 A.2d at 1101 n.1.

Accordingly, and because we perceive nothing about this case that would compel us to depart from the general rule referred to in *Oakley*, these consolidated appeals are denied and dismissed without prejudice, and the orders of the Superior Court are affirmed.⁵ The records may be returned to that tribunal for such further proceedings as may be deemed necessary.

Entered as an Order of this Court this 17th day of June, 2021.

By Order,

/s/ Debra A. Saunders, Clerk

Clerk

Justice Long did not participate.

⁵ We pause to express our disappointment with the disregard manifested by defendants’ counsel with respect to the clear and mandatory provisions of the Supreme Court Rules of Appellate Procedure. We note that a conditional order of default entered against defendants for failure to file a counter-statement within the time limit set forth in Article I, Rule 12A of the Supreme Court Rules of Appellate Procedure. We would further note that what defendants eventually submitted was a one-paragraph “Brief in Support of Appellee’s [*sic*] Position.” Moreover, the certificate of service that accompanied said “Brief” was signed by a paralegal and not by a member of the bar of this Court. It is to be hoped that we shall not in the future be confronted with such a distressing departure from what is expected of counsel.



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ORDER COVER SHEET

Title of Case	Henry Dobosz v. William Vieira et al.
Case Number	No. 2019-476-Appeal. (PC 19-11126) No. 2019-477-Appeal. (PC 19-11127) No. 2019-478-Appeal. (PC 19-11128)
Date Order Filed	June 17, 2021
Justices	Suttell, C.J, Goldberg, Robinson, and Lynch Prata, JJ.
Source of Appeal	Providence County Superior Court
Judicial Officer from Lower Court	Associate Justice Melissa A. Long
Attorney(s) on Appeal	For Plaintiff: Henry Dobosz, Pro Se
	For Defendants: Lisette M. Gomes, Esq. Frank J. Milos, Jr., Esq.