

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

LORI FLETCHER )  
 )  
 Plaintiff )  
 )  
 v. ) Civil No. 98-0105-B  
 )  
 TOWN OF CLINTON, et al., )  
 )  
 Defendants )

***RECOMMENDED DECISION***

Plaintiff brings this action against the Town of Clinton, two of its police officers and the Chief of Police, and William Cyr, identified by Plaintiff as a "person authorized by the State of Maine to function as a bail commissioner for the State of Maine." Comp. at ¶ 6. Defendant Cyr moves to dismiss Plaintiff's Complaint as to him for her failure to state a claim upon which relief can be granted, for the specific reason that Defendant claims to be immune from suit.

Plaintiff's Complaint alleges that she was subjected to an unlawful arrest by the two named police officers. Plaintiff then alleges that the Defendant officers conspired with Defendant Cyr in an effort to coerce Plaintiff to provide information regarding another individual. When she was unable to provide that information, Plaintiff alleges Defendant Cyr imposed unreasonable bail conditions upon her, which conditions were ultimately vacated by a Justice of the Maine Superior Court.

The Court accepts these allegations as true, and draws all inferences in Plaintiff's favor, for purposes of this Motion to Dismiss. *Aulson v. Blanchard*, 83 F.3d 1, 3 (1<sup>st</sup> Cir. 1996). The Court may grant the Defendant's Motion to Dismiss "only if it clearly appears, according to the facts alleged, that the plaintiff cannot recover on any viable theory." *Correa-Martinez v. Arrillaga-Belendez*, 903 F.2d 49, 52 (1<sup>st</sup> Cir. 1990).

Defendant Cyr argues that he is immune from suit as a quasi-judicial officer performing a judicial function. The Court agrees. It has long been true that judges are absolutely immune from suit for acts done within their jurisdiction, "however erroneous the act may have been, and however injurious in its consequences it may have proved to the plaintiff." *Bradley v. Fisher*, 80 U.S. 335, 347 (1871). An act is within the judicial officer's jurisdiction as long as the officer has authority over the subject matter, in this case, preconviction bail.

The immunity extends as well to other governmental officials "whose duties are related to the judicial process." *Barr v. Mateo*, 360 U.S. 564, 569 (1958) *quoted in Thompson v. Sanborn*, 568 F. Supp. 385, 391 (D.N.H. 1983). In Maine, bail commissioners are authorized to "set preconviction bail for a defendant in a criminal proceeding" with limited exceptions not applicable in this case. 15 M.R.S.A. § 1023(1). There is no allegation in Plaintiff's Complaint that Defendant acted outside

this authority; she alleges that he set unreasonable bail. Accordingly, Defendant is absolutely immune from suit on Plaintiff's claim.

***Conclusion***

Accordingly, I hereby recommend Defendant Cyr's Motion to Dismiss be GRANTED.

**NOTICE**

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) (1988) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

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Eugene W. Beaulieu  
United States Magistrate Judge

Dated on March 3, 2000.