

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

JAMES CLIFFORD PARHAM,)	
)	
PLAINTIFF)	
)	
v.)	CIVIL No. 2:11-cv-435-DBH
)	
BARBARA LELLI, ET AL.,)	
)	
DEFENDANTS)	

**ORDER AFFIRMING RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE**

On March 21, 2012, the United States Magistrate Judge filed with the court, with copies to the parties, her Recommended Decision on the defendants' motions to dismiss. The plaintiff filed an objection to the Recommended Decision on March 26, 2012. I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision, as clarified below, and determine that no further proceeding is necessary.

I note that the defendant Francis G. Pelletier apparently failed to serve his motion to dismiss on the plaintiff, stating that service was being made by ECF and that in fact at the time the plaintiff was not registered as an ECF filer. The other two defendants did serve the plaintiff by mail, according to their

respective motions to dismiss. The Magistrate Judge observed that the plaintiff had responded to none of the three motions. The Magistrate Judge proceeded to evaluate the merits of each of the three motions to dismiss under the standards of Fed. R. Civ. P. 12(b)(6) and recommended that all three should be granted. The plaintiff objected to the recommended decision,¹ but made no effort to show that the recommended decision is wrong in substance or that he needs an opportunity to respond to the defendant Pelletier's motion.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The motions to dismiss are **GRANTED**.

SO ORDERED.

DATED THIS 13TH DAY OF APRIL, 2012

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

¹ The plaintiff's objections in total are as follows:

1. The insidious title of the report reads: "James Clifford Parham v. Fran Pelletier, et al." The Court lacks jurisdiction over the person "Fran Pelletier."
2. The Court lacks jurisdiction over the person "James Parham." Lelli's Motion to Dismiss, p. 1.
3. On February 3, 2012, Guy D. Loranger certified that plaintiff "was registered as an ECF filer and would be served by the CM/ECF system." Pelletier's Motion to Dismiss, p. 4. The report omitted this fact.
4. On February 3, 2012, Guy D. Loranger failed to certify that a copy of Pelletier's motion was mailed to plaintiff's post office box. Pelletier's Motion to Dismiss, p. 4. The report omitted this fact.
5. On February 6, 2012, Kelly L. Turner certified that plaintiff was not registered as an ECF filer. Lelli's Motion to Dismiss, p. 13. The report omitted this fact.
6. On February 6, 2012, Darya I. Haag certified that plaintiff was not registered as an ECF filer. Rowles's Motion to Dismiss, p. 8. The report omitted this fact.

Pl.'s Objection to Report and Recommendations at 1-2 (Docket Item 21).

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CIVIL DOCKET NO. 2:11cv435 (DBH)**

James Clifford Parham,

Plaintiff

Represented By **James Clifford Parham, Pro Se**
P.O. Box 10081
Portland, ME 04104
(207) 615-5321

v.

**Barbara Lelli, in her individual and
official capacities,**

and

Represented By **Kelly L. Turner**
Assistant Attorney General
State House Station 6
Augusta, ME 04333-0006
(207) 626-8552
email: kelly.turner@maine.gov

**Molly Curren Rowles, in her
individual capacity,**

and

Represented By **Theodore H. Kirchner
Darya I. Haag**
Norman, Hanson & DeTroy
P. O. Box 4600
Portland, ME 04112
(207) 774-7000
email: tkirchner@nhdlaw.com
dhaag@nhdlaw.com

**Francis G. Pelletier, in his
individual capacity,**

Defendants

Represented By **Guy D. Loranger**
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110 Main Street, Suite 1520
Saco, ME 04072
(207) 283-6400
email: guy@nicholswebb.com