

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

BRENDA ARMSTEAD,)
)
 Plaintiff)
)
 v.) Civil No. 02-248-P-C
)
 WILLIAM M. HOEVELER,)
)
 Defendant)

RECOMMENDED DECISION

In response to my order (Docket No. 3) Brenda Armstead¹ has filed a properly verified application to proceed in forma pauperis. I have **GRANTED** her application in an Order filed simultaneously herewith. However, in response to that portion of my order requiring that she file an amended complaint that provided some supporting facts, Armstead has simply filed a copy of my order with her editorial comments in red ink in the margins and a list of what appears to be nineteen different docket numbers assigned by various court locations throughout the country. I now recommend that the court **DISMISS** this complaint pursuant to 28 U.S.C. § 1915 (e)(2)(B)(ii) because it does not state a claim upon which relief can be granted.

NOTICE

¹ It is quite possible that the Brenda Armstead who filed this complaint is no stranger to court procedures. In her original complaint she mentions some connection to the State of Florida. My research revealed that a person by the name of Brenda Armstead actively used and abused the Florida courts during the past two years. See *Armstead v. State of Florida*, 817 So.2d 841 (Fla. 2002). In addition to Armstead's cryptic reference to the State of Florida, I also note that the litigant before the Florida Supreme Court responded to its order to show cause by "return[ing] her original copy of the order to show cause with scribbles in the margins." *Id.* at 842. This conduct is similar to Armstead's response to my original order.

I also note that there is a William M. Hoeveler who was an United States District Court Judge in the Southern District of Florida. Judge Hoeveler assumed senior status on January 31, 1991, according to a website maintained by the Federal government. (See *Judges of the United States Courts* <http://air.fjc.gov>). I suspect he could possibly be the person named as defendant in this pleading.

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) 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.

Margaret J. Kravchuk
U.S. Magistrate Judge

Dated December 27, 2002

CLOSED PORTLD
STNDRD

U.S. District Court
District of Maine (Portland)

CIVIL DOCKET FOR CASE #: 02-CV-248

ARMSTEAD v. HOEVELER
12/09/02

Filed:

Assigned to: JUDGE GENE CARTER

Demand: \$0,000

Nature of Suit: 530

Lead Docket: None

Jurisdiction: US Defendant

Dkt# in other court: None

Cause: 28:1331 Federal Question

BRENDA ARMSTEAD
plaintiff

BRENDA ARMSTEAD
[COR LD NTC] [PRO SE]
2828 61 ST APT 603
GAL, TX 77551

v.

WILLIAM M HOEVELER
defendant