

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JAMES STILE,)
)
 Plaintiff)
)
 v.) 1:13-cv-00248-JAW
)
 SOMERSET COUNTY, et al.,)
)
 Defendants)

RECOMMENDED DECISION

James Stile has filed a prisoner civil rights complaint naming over thirty individuals connected with the Somerset County Sheriff’s Department, as well as the county itself and numerous Jane and John Doe defendants. Additionally, he has named the State of Maine and the Maine State Board of Corrections as defendants, presumably on the theory that the State of Maine and its agencies have supervisory authority over the county facility. (Complaint ¶¶ 12-13.) Because a state and its agencies are immune from liability for monetary damages and because Stile’s complaint seeks such monetary damages from the State of Maine (*id.* at 22, ¶ 3), I recommend that the court summarily dismiss the two state defendants pursuant to the screening function set forth in 28 U.S.C. § 1915A(b)(2).

To the extent the complaint names as separate defendants the State of Maine and one of its agencies, the Maine State Board of Corrections, and seeks monetary damages from both defendants, it fails to state a claim because such claims run afoul of the State’s sovereign immunity. See Wis. Dep’t of Corr. v. Schacht, 524 U.S. 381, 384 (1998); Kentucky v. Graham, 473 U.S. 159, 167 n.14 (1985); Will v. Mich. Dep’t of State Police, 491 U.S. 58, 67-70 (1989). Nor does the State of Maine or its agencies fall within the statutory definition of “person” under 42 U.S.C. § 1983. Will, 491 U.S. at 64-66. Stile’s claim against the State of Maine simply

cannot be brought in this court. Therefore, I recommend the summary dismissal of these two defendants.

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) for which *de novo* review by the district court is sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof. A responsive memorandum shall be filed within fourteen (14) 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.

September 18, 2013

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge

STILE v. SOMERSET COUNTY et al

Assigned to: JUDGE JOHN A. WOODCOCK, JR
Referred to: MAGISTRATE JUDGE MARGARET J.
KRAVCHUK
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/01/2013
Jury Demand: None
Nature of Suit: 555 Prisoner Petitions
(Prison Condition)
Jurisdiction: Federal Question

Plaintiff

JAMES STILE

represented by **JAMES STILE**
07147-036
STRAFFORD COUNTY JAIL
266 COUNTY FARM ROAD
DOVER, NH 03820
PRO SE

V.

Defendant

SOMERSET COUNTY

Defendant

SOMERSET COUNTY SHERIFF

Defendant

DAVID ALLEN

Jail Administrator

Defendant

**CORRECTIONS OFFICER
MEUNIER**

Defendant

**CORRECTIONS OFFICER
JACQUES**

Defendant

**CORRECTIONS OFFICER
BUGBEE**

Defendant

**CORRECTIONS OFFICER
CRAFTS**

Defendant

**CORRECTIONS OFFICER
FAILS**

Defendant

**CORRECTIONS OFFICER
POULIN**

Defendant

**CORRECTIONS OFFICER
MUNN**

Defendant

**CORRECTIONS OFFICER
HERRERA**

Defendant

CORRECTIONS OFFICER PIKE

Defendant

**CORRECTIONS OFFICER
PLOURD**

Defendant

**CORRECTIONS OFFICER
CAMPBELL**

Defendant

**CORRECTIONS OFFICER
MARONEY**

Defendant

**CORRECTIONS OFFICER
MOORE**

Defendant

**CORRECTIONS OFFICER
HADEN**

Defendant

**CORRECTIONS OFFICER
ALMEIDA**

Defendant

**CORRECTIONS OFFICER
DAVIS**

Defendant

**CORRECTIONS OFFICER
BROWN**

Defendant

**CORRECTIONS OFFICER
LIBBY**

Defendant

CORRECTIONS OFFICER SHER

Defendant

**CORRECTIONS OFFICER
JEWELL**

Defendant

**CORRECTIONS OFFICER
KELLY**

Defendant

**CORRECTIONS OFFICER
HINTON**

Defendant

**CORRECTIONS OFFICER
RIZZO**

Defendant

**CORRECTIONS OFFICER
GARLING**

Defendant

**CORRECTIONS OFFICER
BOONE**

Defendant

**CORRECTIONS OFFICER
DUCHARME**

Defendant

**CORRECTIONS OFFICER
FRENCH**

Defendant

**CORRECTIONS OFFICER
HALEY**

Defendant

**CORRECTIONS OFFICER
MAGUIRE**

Defendant

**CORRECTIONS OFFICER
MARTIN**

Defendant

**CORRECTIONS OFFICER
POOLER**

Defendant

**CORRECTIONS OFFICER
MADORE**

Defendant

**CORRECTIONS OFFICER
GILBLAIR**

Defendant

CORRECTIONS OFFICER

SWOPE

Defendant

JANE AND JOHN DOES 1-10

Defendant

STATE OF MAINE

Defendant

**MAINE STATE BOARD OF
CORRECTIONS**

Defendant

**MEDICAL STAFF JANE AND
JOHN DOES**

Defendant

**MENTAL HEALTH WORKER
JANE DOE**