

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

WILLIAM MCBROOM STEES,)
)
 Plaintiff)
)
 v.) 1:14-cv-00133-GZS
)
 GUARD, MAINE STATE PRISON, *et als.*,)
)
 Defendants.)

RECOMMENDED DECISION ON ORDER TO SHOW CAUSE

On June 9, 2014, the Court issued an Order directing Plaintiff William McBroom Stees to notify the Court in writing on or before June 20, 2014, of those individuals against whom he is specifically asserting a claim. The Court directed Plaintiff to identify the individuals with sufficient specificity to permit service of the complaint upon them. (ECF No. 11.)

On June 25, 2014, Plaintiff filed an Amendment to Complaint in which Plaintiff identified certain named Defendants (ECF No. 16). After review of Plaintiff's filing, the Court issued a Notice by which the complaint was to be served pursuant to the Agreement on Service between the Clerk of the Court and the Maine Attorney General. (ECF No. 17.) The State agreed to accept service on behalf of Defendants David Allen and Officer Mendoza. (ECF No. 18.) The Office of the Maine Attorney General declined to accept service on behalf of Sgt. Allen, Officers Nickleson and Brain, Dr. Fine and Mrs. Joy, because the Office was unable to ascertain the identity of Sgt. Allen, Officers Nickleson and Brain and Mrs. Joy, and because Dr. James Fine is not an employee of the State of Maine. (ECF No. 19.)

Because the Office of the Attorney General declined to accept service, and because Plaintiff otherwise had not served the remaining Defendants with the complaint in this matter, the Court ordered that on or before July 25, 2014, Plaintiff shall show cause in writing as to why

Plaintiff's claims against Sgt. Allen, Officers Nickleson and Brain, Dr. Fine and Mrs. Joy should not be dismissed. The Court further ordered that if Plaintiff failed to show cause, the recommendation would be that the Court dismiss Sgt. Allen, Officers Nickleson and Brain, Dr. Fine and Mrs. Joy from this case, and that the case proceed against Defendants David Allen and Officer Mendoza. (ECF No. 20.)

In response to the Show Cause Order, Plaintiff did not assert that he wanted to maintain an action against Sgt. Allen (to the extent that this individual differs from Defendant David Allen), Officer Nickleson, Officer Brain, Dr. Fine and Mrs. Joy. (ECF No. 21.)¹ Plaintiff, therefore, has not shown cause as required by the Court's order. Accordingly, the recommendation is that the Court dismiss Defendants Sgt. Allen (as distinguished from David Allen), Nickleson, Brain, Fine and Joy.

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.

/s/ John C. Nivison
U.S. Magistrate Judge

Dated this 28th day of August, 2014.

¹ In his response, Plaintiff reiterated his desire to proceed against Defendant David Allen, stated that he did not want to continue to proceed against Officer Mendoza, and asserted that he wanted to join the State of Maine as a Defendant. Plaintiff's requests will be addressed in a separate order.

MCBROOM STEES v. GUARD, MAINE STATE
PRISON et al
Assigned to: JUDGE GEORGE Z. SINGAL
Referred to: MAGISTRATE JUDGE JOHN C.
NIVISON
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/31/2014
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

WILLIAM MCBROOM STEES

represented by **WILLIAM MCBROOM STEES**
CUMBERLAND COUNTY JAIL
50 COUNTY WAY
PORTLAND, ME 04102
PRO SE

V.

Defendant

DAVID ALLEN
Unit Manager

represented by **JAMES E. FORTIN**
OFFICE OF THE ATTORNEY
GENERAL
HEALTH AND HUMAN
SERVICES DIVISION
SIX STATE HOUSE STATION
AUGUSTA, ME 04333
207-626-8800
Email: james.fortin@maine.gov
ATTORNEY TO BE NOTICED

Defendant

OFFICER MENDOZA

represented by **JAMES E. FORTIN**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

OFFICER NICKELSON

Defendant

OFFICER BRIAN

Defendant

DOCTOR JOY

V.

Notice Only Party

**MAINE ATTORNEY GENERAL
- PRISONER CASES**