

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

SABRA GALVAN,)
)
 Plaintiff,)
)
 v.) 1:15-cv-00285-JAW
)
 SHARON NELSON,)
)
 Defendant.)

ORDER ON MOTION TO EXTEND TIME TO AMEND COMPLAINT

On July 20, 2015, Sabra Galvan, acting pro se, filed a complaint against Sharon Nelson, alleging that Ms. Nelson engaged in multiple violations of law and claiming this Court’s jurisdiction for “Violation of Civil Rights” and “Discrimination of the ADA [Americans with Disabilities Act].” *Compl.* at 1-4 (ECF No. 1). On November 25, 2015, Sharon Nelson filed a motion to dismiss the complaint. *Def. Sharon Nelson’s Mot. to Dismiss Pursuant to Fed. R. Civ. P. 12(b)* (ECF No. 12). On December 15, 2015, Ms. Galvan responded to the motion to dismiss. *Pl. Sabra Galvan’s Resp. to Def. Sharon Nelson’s Mot. to Dismiss, and Moves Not to Dismiss Due to the Fact that the Cl. Arises Under the Constitutional Laws of the United States, and Civil Rights Act, and the ADA [Americans with Disabilities Act], Also Due to the Fact that the Def. Lives Out of State This is a Diversity Case* (ECF No. 14). On December 22, 2015, Ms. Nelson replied to Ms. Galvan’s response. *Def. Sharon Nelson’s Reply Mem. in Support of her Rule 12(b) Mot. to Dismiss* (ECF No. 16).

On January 25, 2016, the Magistrate Judge issued a recommended decision in which he recommended that the Court grant in part and deny in part the motion.

Recommended Decision on Mot. to Dismiss (ECF No. 17). More specifically, he wrote:

Based on the foregoing analysis, I recommend that the Court grant in part Defendant's motion to dismiss and dismiss all claims other than Plaintiff's claim for damages related to the alleged dangerous trees on the property, unless within the deadline for filing an objection to this Recommended Decision, Plaintiff amends her complaint to state additional plausible claims on the other subject matters Plaintiff references in her complaint.

Id. at 7. Objections to the Recommended Decision were due on February 11, 2016.

On February 11, 2016, Ms. Nelson filed an objection to the Recommended Decision.

Def.'s Obj. to Report and Recommended Decision (ECF No. 19). On February 11, 2016,

Ms. Galvan filed a motion to extend time to amend her complaint. *Mot. for More Time*

to Am. my Compl. to State a Plausible Fed. Cl. (ECF No. 20). On February 23, 2016,

Ms. Nelson filed an objection to Ms. Galvan's motion to extend time. *Def.'s Opp'n to*

Pl.'s "Mots." for More Time to Am. Compl. (ECF No. 21).

The Plaintiff is representing herself in this lawsuit. The First Circuit has written that "as a general rule, we are solicitous of the obstacles that pro se litigants face, and while such litigants are not exempt from procedural rules, we hold pro se pleadings to less demanding standards than those drafted by lawyers and endeavor, within reasonable limits, to guard against the loss of pro se claims due to technical defects." *Dutil v. Murphy*, 550 F.3d 154, 158-59 (1st Cir. 2008); *see also Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (pro se complaints are to be "liberally construed").

Even so, “pro se status does not insulate a party from complying with procedural and substantive law.” *Ahmed v. Rosenblatt*, 118 F.3d 886, 890 (1st Cir. 1997).

Here, the Magistrate Judge expressly allowed Ms. Galvan to attempt to amend her complaint to state a plausible claim within the time period provided for objections to the Recommended Decision and, within that period, Ms. Galvan requested an extension of time. Based on the tone of Ms. Nelson’s objection and her hyperbolic language, the Court concludes that Ms. Nelson is extremely annoyed that the Court has not summarily dismissed Ms. Galvan’s complaint. Nevertheless, the Court will allow Ms. Galvan additional time to do what the Magistrate Judge expressly allowed her to do. It is true that Ms. Galvan did not request a time certain for her extension and, in fairness to Ms. Nelson, there must be a time limit for Ms. Galvan to respond to the Recommended Decision. The Court therefore orders her to file any proposed amended complaint no later than March 25, 2016. The Court warns Ms. Galvan that if she fails to file an amended complaint by March 25, 2016, her complaint will be subject to dismissal.

The Court GRANTS Sabra Galvan’s Motion for More Time to Amend my Complaint to State a Plausible Federal Claim (ECF No. 20) and OVERRULES Defendant’s Opposition to Plaintiff’s “Motions” for More Time to Amend Complaint (ECF No. 21). The Court ORDERS Sabra Galvan to file any such amended complaint with this Court no later than March 25, 2016.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 9th day of March, 2016